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RAJASTHAN RULES COMPENDIUM

(IN 16 VOLUMES)
(1949 TO 1967)

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(1949 to 1967)

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Rules and Notifications under

**Adaptation of Central Laws Ordinance, 1950. The
Rajasthan (4 of 1950.)**

NOTIFICATIONS UNDER
ADAPTION OF CENTRAL LAWS ORDINANCE, 1950

Government of the United State of Rajasthan

Law Department

NOTIFICATION.

Jaipur, January 24, 1950.

No. 12 (161) L/49.—In exercise of the power conferred by sub-section (3) of section 1 of the Rajasthan Adaptation of Central Laws Ordinance, 1950, the Government of the United State of Rajasthan is pleased to appoint the 24th day of January, 1950, to be the date on which the said Ordinance shall come into force.

PRABHU DAYAL LOIWAL,
Secretary to the Government
of the United State of Rajasthan,
Law Department.

Rules and Notifications under

ADMINISTRATION ORDINANCE, 1949 THE RAJASTHAN
(1 OF 1949)

THE RAJASTHAN GOVERNMENT SERVANTS' AND PENSIONERS' CONDUCT RULES

GOVERNMENT OF THE UNITED STATE OF RAJASTHAN
General Administration Department.
NOTIFICATIONS.

Jaipur, December 13, 1949.

No. F-1 (84) G.A./49.—In exercise of the powers conferred by section 10 of the Rajasthan Administration Ordinance, 1949 (No. I of 1949), as amendment, His Highness the Raj Pramukh of the United State of Rajasthan is pleased to make the following rules for regulating the discipline and conduct of Government servants in Rajasthan.

By Order.
K. RADHAKRISHNAN,
*Chief Secretary to the Government
of the United State of Rajasthan.*
Notes

Section 10 of the Rajasthan Administration Ordinance, 1949 authorises the Governor (Raj-Pramukh) to make rules for regulating the discipline and conduct of Civil Servants in Rajasthan. It was in exercise of the powers conferred by this section that these rules were framed by the His Highness the Rajpramukh of United States of Rajasthan before the promulgation of Constitution of India. With the coming into force of the Indian constitution. His Highness the Rajpramukh, in exercise of the powers conferred by the proviso to Article 309 of the Constitution, framed the rules called, "The Rajasthan Civil Services (Classification, Control and Appeal) Rules, 1950 vide Notification No. F. 10 (67) G.A./A. dated 20/11/50 published in Raj-Rajpatra Extra Ordinary Part I (B) dated 20/11/50. These rules framed in 1950 incorporated the aforesaid Rules regarding the conduct of Government Servants vide Rule 13 and Appendix 'A' thereof.

The subsequent amendments in the conduct Rules have been made in exercise of powers conferred by the proviso to Article 309 of the constitution. Article 309 reads as under.

Subject to the provisions of this Constitution, Acts of the appropriate Legislature may regulate the recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union or of any State:

Provided that it shall be competent for the President or such person as he may direct in the case of services and posts in connection with the affairs of the Union, and for the Governor 3[* * *] of a state or such person as he may direct in the case of services and posts in connection with the affairs of the State, to make rules regulating the recruitment, and the conditions of service of persons appointed, to such services and posts until provision in that behalf is made by or under an Act of the appropriate Legislature under this article, and any rules so made shall have effect subject to the provisions of any such Act.

The notifications through which subsequent amendments have been made are detailed below:—

1. No, F.1. (23) G. A./50 dated 11/4/50 published in Raj-Rajpatra part IV (B) ExtOrdinary dated 7/11/50.

*These rules have been first published in Rajasthan Raj-patra Vol. 1 No. 129
Dated December 20, 1949 Extraordinary at page 1.*

2. No. F.5. (42) G. A. (A)/52 dated 5/6/52 published in Raj-Raj-patra part I dated 21/6/52.
3. No. F.5. (42) G.A./A/52 dated 10/3/54 published in Rajasthan Rajpatra part I dated 20/3/54.
4. No. F. (5) (42) G. A./A. 52 dated 28/8/54 published in Raj Rajpatra part I (B) dated 18/9/54.
5. No. F. 5 (73) G.A./A/54 dated 22/12/54 published in Raj-Raj-patra part I (B) dated 22/1/55.
6. No. D. 4663/F.5 (73) G.A./A/54 dated 16/4/55 published in Raj Rajpatra part I (B) dated 7/5/55.
7. No. F. 13 (17) Appts. (A)/55 dated 16/5/56 published in Raj-Rajpatra part I (B) dated 9/6/56.
8. No. F.13 (17) Appts. (A) 1957 dated 27/8/57 published in Raj-Raj-patra part IV (c) dated 16/9/57
9. No. D. 7538/57/F.13 (17) Appts (A)/55 dated 28/9/57 published in Raj-Rajpatra part IV (c) dated 7/11/57.
10. No. F. 13 (17) Appts. (A)/57 dated 2/12/57 published in Raj-Rajpatra IV (c) dated 26/12/57.
11. No. F. 13 (17) Appts. (A)/57 dated 30/6/58 published in Raj Raj-patra part IV (c) dated 31/7/58.
12. No. F. 13 (17) Appts. (A)/55 dated 11/10/58 published in Raj-Raj-patra part IV (c) dated 6/11/58-
13. No. F. 13 (17) Appts. (A) 55 at 9/1/57 published in Raj-Rajpatra part I (B) dt 31/1/57

The aforesaid amendments have been incorporated in the body of the Rules and reference of the same has been given through the serial number of the aforesaid notifications.

1. *Interpretation.*—In these rules,—

(a) "Government servant" means any person in the civil service of the United State of Rajasthan, whether for the time being on foreign service or not. It includes a person who has retired from Government service elsewhere and is re employed under the Rajasthan Government or a person in service on a contract but does not include a person in the Civil Service of the Indian Dominion or an Indian Province or any State or States Union serving on deputation in Rajasthan who will continue to be governed by the rules applicable to such person.

(b) "Pensioner" means any person who having been in the Civil Service of the United State of Rajasthan or any Integrating State is in receipt of pension from the Government of Rajasthan.

1A. *General*—Every Government servant shall at all times maintain absolute integrity, devotion to duty and dignity of office.

Notes

This rule has been newly added by the amending notification No. Five.

2. *Gifts.*—(1) Save as otherwise provided in this Rule a Government servant shall not, except with the previous sanction of the Government of United State of Rajasthan—

(a) accept directly or indirectly on his own behalf or on behalf of any other person, or

(b) permit any member of his family so to accept any gift, gratuity, or reward or any offer of a gift, gratuity or reward from any person.

(2) Subject to the provisions of any general or special order of the Government, any Government servant may accept from any person any complimentary present of flowers or fruits or similar articles of trifling value, but all Government servants shall use their best endeavours to discourage the tender of such gifts.

(3) Any Government servant may accept, or permit any member of his family to accept from any person who is his personal friend, a present in connection with, or on the occasion of, a personal or religious ceremony, *viz.*, wedding, birthday, or sacred thread ceremony, etc., of a value which is reasonable in all circumstances of the case. All Government servants shall, however, use their best endeavours to discourage the tender of such presents. Such acceptance of any present of the value of Rs. 200/- or above shall be reported to the Government and, if the Government so requires, the present shall be returned to the donor.

"2A Acceptance of the hospitality of the Subordinate staff while on tour—

A Government servant while on tour must make his own arrangement for accommodation and food at places of halt and should not accept the hospitality of the subordinate staff; nor should subordinate officers offer such hospitality to their official superiors."

Notes

This rule has been newly added by the amending notification No. Eight.

3. *Public demonstration in honour of Government servants.*—

(1) Save as otherwise provided in this Rule, a Government servant shall not, except with the previous sanction of the Government—

(a) himself receive any public complimentary or valedictory address, accept any testimonial or attend any public meeting or entertainment held in his honour ; or

(b) take part in the presentation of a public complimentary or valedictory address or of a testimonial to any other Government servant or to any person who has recently quitted the service of Government, or attend a public meeting or entertainment held in the honour of such other Government servant or person ;

(c) take part in the raising of a fund to be expended, in recognition of the services of any other Government servant or of a person who has recently quitted the service of Government, on the foundation of a scholarship or on any other public or charitable object or on the execution of any portrait, bust or statue intended for presentation to such other Government servant or person.

(2) Notwithstanding anything contained in sub-rule (1)—

(a) A Government servant in the receipt of a salary of Rs. 50/- or less may accept a testimonial about his work from his superior Officer.

(b) A Government servant may at the request of any public body sit for a portrait, bust or statue not intended for presentation to him;

(c) Subject to the provisions of any general or special order of the Government, a Government servant may attend a farewell entertainment of a substantially private and informal character held as a mark of regard to himself or to some other Government servant or to a person who has recently quitted the service of Government, on the occasion of the retirement from the service or departure from a district or station of himself or such other Government servant or person.

(d)—A Government servant may participate in raising collections on voluntary basis for the benefit of ex-service men during the observance of Flag Day.

Notes

Clause (d) of the above rule stands added through the amending notification No. Seven.

4. *Presentation of trowels, etc., at ceremonial functions.*—A Government servant may not, without the previous sanction of the Government, receive any trowel, key or other similar article, offered to him at a ceremonial function, such as the laying of a foundation stone or the opening of a public building.

5. *Application of Rules 2 and 3 to Medical or Educational Officers.*—Subject to the departmental Rules governing the question, a medical or educational Officer may accept any gift, gratuity or reward offered in good faith any by person or body of persons in recognition of his professional or educational services.

6. *Subscriptions.*—Except with the previous sanction of the Government, no Government servant shall ask for, or accept, or in any way participate in the raising of, any subscription or other pecuniary assistance in pursuance of any object whatsoever. This Rule does not apply to any subscriptions about which the Government may make special orders to Government servants to collect.

7. *Purchase of Resignation.*—Government servants may not enter into any pecuniary arrangement for the resignation by one of them of any office under the Government for the benefit of the others. Should this Rule be infringed, any nomination or appointment consequent upon such resignation will be cancelled and such parties to the arrangement as are still in the service will be suspended pending the orders of the Government, as the case may be.

8. *Lending and borrowing.*—(1) A gazetted officer or an officer in receipt of a pay of Rs. 200/- p m. or over, may not lend money to any person possessing immovable property within the local limits of his authority, nor may he, except in the ordinary course of business with a Joint Stock, Bank or a firm of standing, borrow money from, or otherwise place himself under a pecuniary obligation to, any person subject to his official authority or residing, possessing immo-

valuable property or carrying on business within the local limits of such authority.

(2) When a gazetted officer or an officer in receipt of a pay of Rs 200/- p. m. or over is appointed or transferred to a post of such a nature that a person from whom he has borrowed money or to whom he has otherwise placed himself under a pecuniary obligation will be subject to his official authority, or will reside, possess immovable property or carry on business within the local limits of such authority he must forthwith declare the circumstances to the Government through the usual channel.

(3) The orders contained in this paragraph apply also to officers in receipt of a pay of less than Rs. 200/- p. m., but in the case of the latter they may be relaxed in exceptional cases at the discretion of the head of their office. Such officers should make the report referred to in sub-paragraph (2) to the head of their office.

9. *Buying or selling of houses and other valuable property.*—

(1) Save in the case of a transaction conducted in good faith a regular dealer, a Government Servant in receipt of a pay of Rs. 200/- p. m. or over, who intends to transact any purchase, sale or disposal by other means of movable property exceeding in value of Rs 1000/- shall declare his intention to the prescribed authority. Such declaration shall state fully the circumstances, the price offered or demanded, and in the case of disposal otherwise than by sale, the method of disposal. Thereafter, such Government Servant shall act in accordance with such orders as may be passed by such authority.

(2) Notwithstanding anything contained in sub-rule (1), a Government servant of gazetted rank or an officer in receipt of a pay of Rs. 200/- or over, who is about to quit the station, district or other local limits for which he has been appointed may, without reference to any authority, dispose of any of his movable property by circulating lists of it among the community generally or by causing it to be sold by public auction.

Explanation.—The appointing authority in respect of the Government Servant concerned shall be the authority competent to grant permission under this Rule.

Notes.

Present sub-rule (1) of rule 9 and its explanation have been newly substituted vide Appointments (A-III) Department Notification No.F.4 (2) Appmts. (A) 61/Group III dated June 21, 1961, published in supplement to Rajasthan Raj-patra No. 25 dated September 21, 1961. Previously sub-rule (1) of rule 9 read as under :—

(1) Save in the case of a transaction conducted in good faith with a regular dealer, a Government servant of gazetted rank, or an officer in receipt of a pay of Rs. 200/- p. m. or over, who intends to transact any purchase, sale or disposal by other means of movable or immovable property exceeding in value of Rs. 200/-, with any person residing, possessing immovable property or carrying on business within the station, district or other local limits for which such Government servant is appointed, shall declare his intention to the Commissioner of the Division or to the Head of his Department or to such other officer as the Government may appoint. If the Government servant concerned is himself the Commissioner of the Division or the Head of a Department or the other officer appointed, he shall declare his intention to the Government. Such declaration shall state fully the circumstances, the price offered or demanded and, in the case of disposal otherwise than by sale, the method of disposal. Thereafter such Government servant shall act in accordance with such orders as may be passed by the Commissioner, the head of department, the other officer appointed or the Government as the case may be :

Provided that in case the value of the property is Rs. 500/- or above, the sanction of the Government will be necessary and the Commissioner, the Head of Department or other officer appointed therefore shall make a reference to Government before passing orders.

10. *Control over immovable property held or acquired by Government servants.*—(1) Within three months of the coming into force of these Rules, every Government servant already in service shall, through the usual channel, make a declaration of all immovable property held or owned by him or by his wife or any member of his family living with him or in any way dependent upon him. Such declaration should state the district of Rajasthan or the Province or the State or States Union within which the property is situated and should give such further information as the Government may be general or special order require.

(2) If the Government servant or his wife or any member of his family living with him or in any way dependent upon him, after the first declaration in sub-para 10.(1), acquires or inherits any immovable property, he shall submit a declaration of such property to Government through the usual channel.

(3) A Government servant shall not acquire or dispose of any immovable property by purchase or sale or gift through a regular dealer without previous knowledge of the prescribed authority :

Provided that any such transaction conducted otherwise than through a regular and reputed dealer shall require the previous sanction of the prescribed authority.

Explanation.—The appointing authority in respect of the Government Servant concerned shall be the authority competent to grant permission under this Rule.

Notes.

Present sub-rule (3) of rule 10 and its Explanation have been newly substituted vide amending notification as referred in the notes to rule 9. Previously sub-rule (3) of rule 10 read as under ;—

(i) A Government servant shall not save in good faith for the purpose of residence, acquire any immovable property by purchase or gift without the previous sanction of the Government or of the Head of a Department specially empowered by the Government in this behalf.

(ii) No Government servant shall bring or attempt to bring outside influence to bear upon any superior authority for furthering his own or any other person's interests.

11. *Investments other than those in immovable property.*—No Government servant shall make nor permit any member of his family to make any investment likely to embarrass or influence him in the discharge of his official duties.

*Note :—*For the purpose of this rule, the word 'family' shall include any relative residing with a Government servant and any relative who is dependent on him though not residing with him.

Subject to this condition he may hold or acquire shares in any Company, including a mining or agricultural Company, which has for its object the development of the resources of the country, but he will not be employed in any district in which the operations of any such Company are conducted.

Subject to the same condition he may place deposits in Provincial or Central Banks registered under Act II of 1912, and make investments in non-agricultural societies registered under that Act and intended for Government servants only, even though he is employed in the locality, in which such banks or societies operate.

He may also make investments or place deposits in registered co-operative societies other than the above.

12. *Speculation.*—A Government servant may not speculate in investments.

In applying this general rule, the purchase of a grant of land supposed to contain minerals with the object of disposing of it to Companies, and the habitual purchase and sale of securities of notoriously fluctuating value will be treated as speculation in investments.

13. *Promotion or management of Companies.*—A gazetted Officer, or an Officer in receipt of a pay of Rs. 200'— p m. or over, whether on leave or in active service, may not without the special sanction of the Government take part in the promotion, registration or management of any Bank or other Company.

This rule does not apply to any servant, who with the sanction of the Government enters into the service of a Railway Company working a concession granted by the Government or to the management by a Government servant of any association established and conducted in good faith for the purposes of mutual supply and not for profit, when such management does not interfere with his public duties, or (subject to the same condition) to any Government servant who, under the general or special sanction of the Government, takes part in the management of a Co-operative society.

14. *Private Trade or employment.*—A Government servant may not, without the previous sanction of the Government, engage in any trade or undertake any employment, other than his public duties.

A Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time forbid him to undertake or require him to abandon any employment which in its opinion is undesirable.

Note:—The Secretaryship of a club does not constitute employment in the sense of this Rule, provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office, that is to say, that it is not remunerated by any payment in cash, or any equivalent thereof other than the customary concessions of free quarters and personal exemption from messing charges only. Any officer proposing to become the Honorary Secretary of a club, should inform his immediate departmental superior who will decide, with reference to this Rule and note whether the matter should be reported for the orders of Government.

14-A.—*Employment of near relatives in firms enjoying Government patronage*—No Officer of the Government of Rajasthan shall, except with the previous sanction of the Government, permit his son, daughter or dependent to accept employment with private firms with which he has official dealings, or with other firms having official dealings with Government;

Provided that where the acceptance of the employment cannot await the prior permission of the Government or is otherwise considered urgent, the matter shall be reported to the Government, and

the employment may be accepted provisionally subject to the permission of the Government.

14-B. *Prohibition of joining or attending educational institutions.*—No Government servant, while in Government service, [except with the previous permission of the Head of the Department concerned] shall join or attend any educational institution for the purpose of preparing himself for, or shall appear at, any examination of a recognised Board or University :

Provided that :—

(i) nothing in this rule shall apply to a Government servant who applies for and is granted such leave as may be due to him under the Rajasthan Service Rules for the entire period of the school or college session in which he so prepares himself;

(ii) a Government servant who has, in or before the year 1955, passed any previous examination may be permitted by the appointing authority to join or attend an educational institution outside his office hours for the purpose of preparing himself for, and to appear at, the final examination next following such previous examination;

(iii) a Government servant may be permitted by the appointing authority to join or attend an educational institution outside his office hours for the purpose of preparing himself for, and to appear at, the matriculation examination of a recognised Board or University or any other examination held by a recognised Board or University which may have been declared to be equivalent to such matriculation examination;

(iv) a teacher or librarian may, subject to rules and regulations of Education Department, be permitted by the appointing authority to join or attend any educational institution outside his office hours for the purpose of preparing himself for, and sitting at any examination higher than the matriculation examination of a recognised Board or University or any other examination declared to be equivalent thereto; and

(v) a technical officer may also, subject to departmental rules, be permitted by the appointing authority to join and attend outside his office hours, any technical institution for the purpose of pursuing higher technical studies and sitting at any technical examination.

Explanation.—(a) the expression “previous examination” refers to the annual examination immediately preceding the final Intermediate or Degree or Postgraduate examinations, and

(b) the expression “technical officer” refers to officers holding posts of technical nature in or under the Medical and Health, Agricultural, Veterinary, Forest, Public Works and Mines and Geology Departments of the State or in State owned factories or production centres under the control of the Industries Department of the State.

Notes.

The rules 14 A and 14 B have been newly added vide aforesaid notifications No. 9 & 12 respectively.

Words “except with the previous permission of the Head of the Department concerned” appearing in brackets in rule 14 B have been newly inserted vide Appointments (A - III) Department Notification No. F. 13 (17) Appts. (A) 55/Group III dated July 28, 1961, published in supplement to Rajasthan Rajpatra No. 25 dated September 21, 1961

15. *Insolvency and habitual indebtedness.*—(1) A Government servant shall avoid habitual indebtedness.

(2) When a Government servant is adjudged or declared an insolvent or when one moiety of the salary of such Government servant is constantly being attached, has been continuously under attachment for a period exceeding two years, or is attached for a sum which, in ordinary circumstances, cannot be repaid within a period of two years, he will be considered liable to dismissal.

(3) When such Government servant is not liable to dismissal otherwise than by or with the sanction of the Government the matter must, if he is declared insolvent, and may, if a moiety of his salary is attached, be reported to Government.

(4) In the case of any other Government servant, the matter should be reported to the Head of the office or department in which he is employed.

(5) When a moiety of an Officer's salary is attached, the report should show what is the proportion of the debts to the salary; how far they detract from the debtors's efficiency as a Government servant; whether the debtor's position is irretrievable; and whether, in the circumstances of the case, it is desirable to retain him in the post occupied by him when the matter was brought to notice or in any post under the Government.

(6) In every case under this rule, the burden of proving that the insolvency or indebtedness is the result of circumstances which,

with the exercise of ordinary diligence, the debtor could not have foreseen or over which he had no control, and has not proceeded from extravagant or dissipated habits, will be upon the debtor.

15-A. *Bigamous marriages.*—No Government servant who a wife living shall contract another marriage without first obtaining the permission of the Government, notwithstanding that such subsequent marriage is permissible under the personal law for the time being applicable to him."

15-B. No female Government servant shall marry any person who has a wife living without first obtaining the permission of the Government.

15-C. No Government servant shall :—

- (i) be under the influence of intoxicating drinks or drugs while on duty;
- (ii) habitually use intoxicating drinks or drugs to excess; and
- (iii) appear in public places in an inebriated condition.

Notes.

The rule 15 A is a new addition vide amending notification No. Five, Rule 15 B has been added vide notification number thirteen. Rule 15 C which previously stood added vide notification number thirteen has now been substituted by the present sub rule 15 C vide Appointments (A - III) Department Notification No. F 3 (18) Appts. (A) 62/Group III dated September 10, 1962, published in Rajasthan Raj-patra; part IV (c) dated October 4, 1962. Previously rule 15 C stood as under :—

"No Government servant shall appear in public places in an inebriated condition."

16. *Communication of official document or information*—A Government servant may not, unless generally or specially empowered by the Government in this behalf, communicate directly or indirectly to Government servants belonging to other Departments, or to non-official persons, or to the Press, any document or information which has come into his possession in the course of his public duties, or has been prepared or collected by him in the course of those duties, whether from official sources or otherwise. This does not preclude officers whose duty it is to give publicity to Government activities in accordance with the general or special direction of Government from communicating with the Press.

17. *Connection with Press.*—A Government servant may not, without the previous sanction of the Government, become the proprietor in whole or in part or conduct or participate in the editing or management of any newspaper or other periodical publication.

Such sanction may be given only in the case of a newspaper or publication mainly devoted to departmental or other matters not

of a political character, and may at any time, in the discretion of the Government, be withdrawn.

18. Subject to the provisions of Rule 16, a Government servant may contribute anonymously to the Press, but must confine himself within the limits of temperate and reasonable discussion; and, if his connection with the Press is contrary to the public interest the Government may withdraw his liberty to contribute. When there is room for doubt whether the connection of any Government servant with the Press is or is not contrary the public interests, the matter should be referred to the Government for orders.

19. *Criticism of Government and publication of information or opinion upon matters relating to foreign countries.*—(1) No Government servant shall, in any document published under his own name or in any public utterance delivered by him, make any statement of fact or opinion which is capable of embarrassing :—

(a) the relations between Government and the people of the United State of Rajasthan or any section thereof, or

(b) the relations between Government of India and any foreign country or the Government of any state or states Union.

(2) A Government servant who intends to publish any document under his own name or to deliver any public utterance containing statements in respect of which any doubt as to the application of the restrictions imposed by sub-rule (1) may arise shall submit to the Government a copy or draft of the document which he intends to publish or of the utterance which he intends to deliver and shall not publish the document or deliver the utterance save with the sanction of the Government and with such alteration, if any, as the Government may direct.

*Note :—*Expression of views in writing or by utterance by a Government servant in the course of the discharge of his official duties would not bring him within the purview of this Rule. But such expression in writing or otherwise, even if the circulation or the audience is limited, if unconnected with his official duties, would be deemed as publication or public utterance.

20. *Evidence before Committees.*—A Government servant may not give evidence before a public committee unless he has first obtained the permission of the Government.

This rule will not apply to evidence given before Statutory Committees, with power to compel attendance and the giving of answers, nor to evidence given in Judicial inquiries or to Committees appointed by Government or with their permission.

"21.—*Taking part in politics and elections.*—(1) No Government servant shall be a member of, or be otherwise associated with, any political party or any organization which takes part in politics nor shall he take part in, subscribe in aid of, or assist in any other manner any political movement or activity.

(2) It shall be the duty of every Government servant to endeavour to prevent any member of his family dependent upon him from taking part in, subscribe in aid of, or assisting in any other manner any movement or activity which is, or tends directly or indirectly to be, subversive of the Government as by law established, and where a Government servant fails to prevent a member of his family from taking part in, or subscribing in aid of, or assisting in any other manner, any such movement or activity, he shall make a report to that effect to the Government.

(3) If any question arises whether any movement or activity falls within the scope of this rule, the decision of the Government thereon shall be final.

(4) No Government servant shall canvass or otherwise interfere or use his influence in connection with, or take part in, an election to any legislature or local authority:

Provided that—

(i) a Government servant qualified to vote at such election may exercise his right to vote, but where he does so, he shall give no indication of the manner in which he purposes to vote or has voted;

(ii) a Government servant shall not be deemed to have contravened the provisions of this rule by reason only that he assists in the conduct of an election in the due performance of a duty imposed on him by or under any law for the time being in force.

Notes.

The above rule stands as substituted vide the amending notification No. Five. The original rule, before its substitution in the present form, was amended vide the amending notification No. Two.

The above explanation under this rule stands in its substituted form as contained in amending notification No. Six.

22. *Vindication of acts and character of Government servants as such.*—A Government servant may not, without the previous sanction of the Government, have recourse to any Court or to the Press for the vindication of his public acts or character from defamatory attacks. In granting sanction to the recourse to a Court the Government will in each case decide whether it will itself bear the costs of the proceedings or whether the Government servant shall institute the proceeding at his own expense and, if so, whether in the event of a decision in his favour, the Government shall reimburse him to the extent of the whole or any part of the costs.

Nothing in this rule will limit or otherwise affect the right of any Government servant to vindicate his private acts or character.

22A.—*Demonstrations and strikes:—*

No Government servant shall participate in any demonstration or resort to any form of strike in connection with any matter pertaining to his conditions of service.

Notes.

The rule 22A was originally added by amending notification No. Three. It has subsequently been amended by the amending notification No. Ten. The present rule stands in its duly amended form.

23. *Membership of Service Association.*—No Government servant shall be a member, representative or officer of any association representing, or purporting to represent, Government servants or any class of Government servants unless such association has been recognised by the Government.

Notes.

The instructions for the recognition of service associations are appended with these rules.

23A.—*Joining of Associations by Government servants:—*

No Government servant shall join or continue to be a member of any Service Association of Government servants:—

(a) which has not, within a period of six months from its formation, obtained the recognition of the Government under the rules prescribed in that behalf.

(b) recognition in respect of which has been refused or withdrawn by the Government under the said Rules.

Notes.

This rule has been inserted vide amending notification No. Ten.

24(1)—Future good conduct is an implied condition of every grant of a pension. The State Government reserve to themselves the right of withdrawing a pension or any part of it, if the pensioner be convicted of serious crime or be guilty of grave misconduct.

Explanation.—Taking part in political activities subversive of the foundation of the State or encouraging unconstitutional activities is liable to be construed as grave misconduct for the purpose of this rule.

(2) Other rules for the conduct of Government servants do not apply to pensioners.

Notes.

The original rule has been substituted in the present form as required in amending notification No. One.

25. *Saving.*—Nothing in these rules shall be deemed to derogate from the provisions of any law or any order of any competent authority, for the time being in force, relating to the conduct of Government servants.

26. *Repeal.*—The Government Servants Conduct Rules in force in any part of Rajasthan are hereby superseded in respect of the Government servants to whom these rules apply.

Instruction Regarding Recognition of Service Association

GOVERNMENT OF THE UNITED STATE OF RAJASTHAN

General Administration Department.

NOTIFICATION.

Jaipur, December 16, 1949.

No. F-1 (85) G.A./49.—The following Instructions regarding the recognition by the Government of Associations of its employees, other than Associations of Industrial employees, are published for general information and guidance.

By Order.

K. RADHAKRISHNAN,
Chief Secretary to the Government
of the United State of Rajasthan.

Instructions regarding the recognition by the Government of the
United State of Rajasthan of Associations of its employees
other than Associations of Industrial employees.

INSTRUCTIONS.

1. In these instructions, unless the context otherwise requires, "Government" means the Government of the United State of Rajasthan.

2. (1) Government will be prepared to accord official recognition to association of its employees which comply with the conditions set out below.

(2) Government may issue subsidiary instruction regarding the recognition of associations of classes of Government employees subordinate to it.

3. The association must ordinarily consist of a distinct class of Government employees, except in the case of an association of inferior Government servants whose office-holders may be Government employees of a different class or may be honourably retired Government servants of their or different class of Government employees :

Provided that any association of employees of Police and Prison departments shall also consist of such distinct rank or ranks of employees as Government may prescribe but Government may accord recognition to particular associations of specified ranks of employees in the Police Department.

4. Every Government employee of the same class must be eligible for membership of the association.

5. No member of the state legislative Assembly shall be eligible for membership of the association.

Notes

This rule has been added as required vide amending notification No. Four with the addition of this rule the remaining rules have been re-numbered.

6. Government reserves the right in particular cases to refuse recognition to associations of which all the office-holders are not in the active service of Government belonging to the same class of Government employees as the association represents.

7. Representations from such associations whether made orally by deputation, or presented in writing, may be received by Government officers notwithstanding anything contained in the rules relating to the submission of petitions and memorials by Government servants :

Provided that—

(a) No representative deputation will be received, except in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association ; and

(b) nothing in these instructions affects the discretion of the Government or the Head of a Department or any other officer of Government to receive or not to receive a deputation from any association.

(c) No representation or deputation will be received on questions of discipline or of promotion affecting individuals but representations or deputations may be received in connection with a matter which is, or raises questions which are, of common interest to the class represented by the association.

8. Recognition is accorded for the purpose of enabling the employees of Government to communicate their needs to Government officers and it may be withdrawn by Government if an association adopts other methods of ventilating these needs.

9. (1) Government will require the regular submission, for its information, of copies of the rules of association and the annual statement of its accounts and of lists of its members.

(2) No rule any recognised association shall be valid until it has received the approval of Government and Government may from time to time require the modification of a rule or proposed rule in a particular manner.

10. Government may specify the channel through, which representations from the association shall be submitted and the authority by whom deputations may be received.

11. The officer who is empowered to grant leave to a Government employee will, so far as is possible, grant casual leave to an employee who is a representative of a recognised association to attend duly constituted meeting of the association. The grant of such leave will be subject to the exigencies of the service, of which the officer in question shall be the sole judge.

12. (1) The formation of a recognised association of Government servants does not absolve it or its members from the observance of Government Servants Conduct Rules. Special attention is invited to the rules regarding prohibition of political activities or public criticism of Government.

(2) Such associations shall not hold meetings open to the public, nor give publication in the press to their proceedings.

(3) Such associations shall not ventilate their views or grievances in the press or through non-official persons.

NOTIFICATIONS UNDER
RAJ. ADMINISTRATION ORDINANCE

Published in Raj. Raj-patra Vol. 1 No. 161 Dated January 26, 1950 at page 2 :

Government of the United State of Rajasthan

General Administration Department.

NOTIFICATION.

Jaipur, January 24, 1950.

No. F. 9 (1) G.A./50.—With effect from the 26th January, 1950, the United State of Rajasthan will be called “Rajasthan” and references to the United State of Rajasthan in all Laws, Regulations, Rules and other official documents should be construed as references to “Rajasthan”.

By Order.

K. RADHAKRISHNAN,

Chief Secretary

to the Government of Rajasthan.

Notifications under

**RAJASTHAN GOVERNMENT SERVANTS AND PENSIONERS
CONDUCT RULES, 1950.**

Published in Rajasthan Raj-patra part IV (c) dated July 23, 1959 at page 379

APPOINTMENTS (A) DEPARTMENT

CIRCULAR

Jaipur, July 3, 1959.

No. F. 13 (17) Appts. (A)/55.—Rule 15 (C) of the Rajasthan Government Servants and Pensioners Conduct Rules, 1950 prohibits a Government servant from appearing in public places in an inebriated condition. Immoderate indulgence in alcoholic drinks directly affects both physical and mental processes of the human system and is ultimately bound to produce deleterious effect on despatch and efficiency of officials.

As however, prohibition has been accepted as a directive principal of State Policy, Government servants are expected to set a high standard of conduct which should be an example for others to follow. Government therefore, expects that Government servant will refrain from drinking in public or in clubs or even at large parties of a substantially private character. A breach of these instructions by a Government servant will be considered as a conduct unbecoming of his position and calling for disciplinary action.

B. MEHTA,
Chief Secretary to the Government.

Rules and Notifications under

**ADMINISTRATION OF EVACUEE PROPERTY ACT, 1950.
(CENTRAL ACT NO. 31 OF 1950)**

THE ADMINISTRATION OF EVACUEE PROPERTY (Rajasthan) RULES, 1953

RELIEF AND REHABILITATION DEPARTMENT. NOTIFICATION.

Jaipur, June 24, 1953.

No. F. 18 (175) R.R./1/52.—The following rules in respect of charging the fees for the management and disposal of Evacuee Property have been framed under sub-clause 3 of section 56 of the Administration of Evacuee Property Act, 1950 and are applicable with retrospective effect. These are hereby published for the general information.

KAMTA PRASAD,
Secretary to the Government.

In exercise of the power conferred by sub-section (3) of section 56 of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), the Government of Rajasthan is pleased to make the following rules, namely:—

Notes.

These rules have been framed in exercise of the powers conferred by sub-section (3) of section 56 of the Administration of the Evacuee Property Act, 1950.

The above sub-section was omitted vide section 13 (c) of the Central amending Act, No. 91 of 1956. Section 14 of this amending Act, however, provided that, "Any rule made under, sub-section (3) of section 56 of the principal Act before the commencement of this Act which is in force at such commencement shall be deemed to have been made by the Central Government and shall continue in force accordingly until and unless it is superseded by any.....rule made under.....section 56 of the principal Act as amended by this Act."

1. *Short title.*—These rules may be called the Administration of Evacuee Property (Rajasthan) Rules, 1953.

2. *Conditions of service of the Custodian and other Officers.*—

(1) The Custodian and all officers appointed by or under him shall, subject to any special contract to the contrary, be governed by the Rajasthan Service Rules applicable to the class of officers to which the Custodian or such officers belong.

(2) If any question arises as to which class of officers the Custodian or such officers belong, the decision of the State Government thereon shall be final.

2A.—Special pay to Additional Deputy and Assistant Custodians. The Additional Deputy and Assistant Custodians in the Evacuee Property Department shall, in addition to the normal emoluments to which they are entitled, be entitled to special pay as follows with effect from the 1st March, 1954.

These rules have been first published in Rajasthan Raj-patra Dated July 4, 1953 part IV (b) at page 37.

2] Administration of Evacuee Property (Rajasthan) Rules, 1953 [Rule 2A-4

| S. No. | Category. | Special pay. |
|--------|---|---------------|
| 1. | Officer of the R. J. S. in the scale of District & Sessions Judge of-in 'C' group of the R.A.S., appointed as Additional Custodian. | Rs. 100/-p.m. |
| 2. | Officers of R. J. S., appointed as Deputy Custodian. | Rs. 75/-p.m. |
| 3. | Officers drawn from Tehsildar cadre of Naib Tehsildar (Group "A") appointed as Assistant Custodian. | Rs. 30/-p.m. |

Notes.

This rule has been added through Notification No. D. 7/15/R.R./55/F. 4 (28) App. (A) 54, dated 2/6/1955 published in Rajasthan Rajpatra part IV (c) dated 8/10/55.

3. *Furnishin of Security.*—(1) The State Government or the Custodian may require the officers entrusted with the receipt, disbursement or custody of money or property, to furnish such security as may be considered adequate.

(2) Officers appointed as cashiers or as Field Inspectors shall furnish security of not less than one thousand rupees either in the form of cash deposit or in such other form as the State Government may be general order or special order, from time to time direct.

4. *Administration charges.*—(1) A fee equivalent to ten per cent of the gross realisations made from evacuee property shall be charged as administration charges from the date on which such property shall have been taken over by the Custodian.

(2) The fee referred to in sub rule (1) shall be in addition to expenses incurred on maintenance and repairs and to other expenditure which may be incurred directly or indirectly on behalf of the evacuee.

(3) When any movable evacuee property is returned under section 16 or is otherwise realised, administration charges equivalent to 10 per cent of the assessed value of the property shall be charged over and above any other charges which may have been actually incurred on maintenance, transport or storage of the same.

NOTIFICATIONS UNDER

ADMINISTRATION OF EVACUEE PROPERTY ACT, 1950

Published in Raj. Raj-patra Vol. 2 part II at page 251 :

Office of the Custodian of Evacuee Property, Jodhpur.

NOTIFICATIONS.

Jodhpur, August 1, 1950.

No. O. 1 CR/I/50.—In exercise of the powers conferred on me by sub section 4 of section 55 of the Administration of Evacuee Property Act, 1950, I delegate the powers of the Custodian exercisable by me under section 48 of the Act to all the wholetime Deputy Custodians and Assistant Custodians in Rajasthan.

Jodhpur, August 2, 1950.

No. 3224.—In exercise of the powers conferred on me by section 55 (4) of the Administration of Evacuee Property Act (No. 31 of 1950) and in supersession of all previous orders on the subject I hereby delegate the powers of the Custodian to make enquiries under section 7 of the Act and to entertain and determine claims and objections in enquiries under this section to the Assistant Custodians in their respective jurisdictions provided they will not finally dispose of cases the value of which exceeds Rs. 10,000/-.

This Office Notification No. 2729, dated 18-2-1950, published in the Rajasthan Raj-Patra dated 4-3-1950 and Notifications No. JU/1318 and 2273, dated 18-5-1950 and 17-6-1950 respectively are hereby withdrawn.

Jodhpur, August 2, 1950.

No. 3225.—In exercise of the powers conferred on me by section 55 (4) of the Administration of Evacuee Property Act (No. 31 of 1950) and in supersession of all previous orders on the subject, I hereby delegate the powers of the Custodian to entertain and determine applications for confirmation of transfers under section 40 of the Act to the Assistant Custodians in their respective jurisdictions, provided they will not finally dispose of cases the value of which exceeds Rs. 10,000/-

This Office Notification No. 2728, dated 18-2-1950 published in the Rajasthan Raj Patra dated 4-3-1950 and Notifications No. JU/1319 and 2274 dated 18-5-1950 and 17-6-1950 respectively are hereby withdrawn.

RANJIT MAL,

Custodian of Evacuee

Property, Rajasthan, Jodhpur.

Published in Raj. Raj-patra Vol.2 No.87 Dated 12-12-50 part I at page 660 to 661:

Jaipur, November 22, 1950.

No. F. 4 (47) RR/I/50.—In exercise of the powers conferred under section 6 of the Administration of Evacuee Property Act, 1950, and in partial supersession of this Department's Notification No. 2185/RR/USR, dated 12-11-49, in so far as it relates to the app-

ointment of Tehsildars in each Tehsil as ex-officio Assistant Custodian for their Tehsil, the Government of Rajasthan are pleased to appoint all the Assistant Collectors in the Bharatpur District only as Ex-officio Assistant Custodians of Evacuee Property for their respective divisions in place of Tehsildars.

NIRANJAN SWAROOP,
Secretary to the
Government of Rajasthan,
Relief & Rehabilitation Department.

CIRCULAR.

Jaipur, November 25, 1950.

No. F-11 (1) RR/I/50.—As a sequel to the proceedings of the Custodians Conference held at Jaipur on May 14, 1950, the Additional Custodian (Deputy Director, (Rehabilitation) was empowered to exercise control and supervision over the Tehsildars who are working as Ex-officio Assistant Custodians. This has created some misapprehension *i. e.* of creating a dual control over the Tehsildars' work of Administration of Evacuee Property both by the Collector of the District and the Additional Custodian (Deputy Director of Rehabilitation concerned). However, in the proceedings of the said Conference it is clearly mentioned that "the Additional Custodian will not interfere with the work of the Collector who is Ex-officio Deputy Custodian but will invite his co-operation in all matters connected with the Administration of Evacuee Property". If we read clauses 1 and 2 of para 10 of the proceedings it is clear that the Collectors will continue to exercise the same control over Tehsildars as Ex-officio Assistant Custodians which they had been exercising hitherto. The Collector has greater opportunities of supervising the Assistant Custodians' work in a Tehsil within his beat than a Deputy Director who visits a Tehsil only occasionally. It is only on these occasions that he can look into the Administration of Evacuee Property in each Tehsil but he is not empowered to exercise any control over the Court work of Assistant Custodians and no appeal lies from orders passed by an Assistant Custodian of a Tehsil to the Additional Custodian (Deputy Director) or for the matter of it to a Collector under the Administration of Evacuee Property Act.

Government expects that all Officers connected with the Administration of Evacuee Property will work in a spirit of harmony and close co-operation with a view to bring into light as many case of Evacuee property as possible.

NIRANJAN SWAROOP,
Secretary to the
Government of Rajasthan,
Relief & Rehabilitation Department.

Published in Raj. Raj-parra Vol. 2 part I at page 731 :

Relief & Rehabilitation Department.

NOTIFICATION.

Jaipur, December 30, 1950.

No. F-4 (53) R.R./I/50.—In exercise of the powers under sub-section (2) of section 25 of the Administration of Evacuee Property Act, 1950, the State Government is hereby pleased to nominate the following District Judges, in virtue of their office, for the purpose of hearing appeals under sub-section (1) of section 25 of the said Act and to define the local limits of their jurisdiction as specified against their respective designations:—

Jurisdiction

- | | |
|----------------------------|--|
| 1. District Judge, Jaipur | Jaipur Division excluding Alwar and Bharatpur Districts. |
| 2. District Judge, Bikaner | Bikaner Division. |
| 3. District Judge, Jodhpur | Jodhpur Division. |
| 4. District Judge, Udaipur | Udaipur Division. |
| 5. District Judge, Kotah | Kotah Division. |
| 6. District Judge, Alwar | Districts of Alwar and Bharatpur. |

This cancels the Relief and Rehabilitation Department Notification No. D-2175 R.R.I-50, dated the 16th February, 1950, and No. F-4 (53) R.R./I/50, dated 17-8-50, and 14/18-9-50.

By Order.

His Highness the Raj Pramukh,
NIRANJAN SWAROOP,

*Secretary to the
Government of Rajasthan,
Relief & Rehabilitation Department.*

Published in Raj. Raj-patra Vol. 3 part I at page 701 :

Relief & Rehabilitation Deptt.

NOTIFICATION.

Jaipur, November 3, 1951.

No. F. 6 (5) R.R./11/51.—In exercise of the powers conferred by section 6 (1) of the Administration of Evacuee Property Act, 1950, the Government of Rajasthan are pleased to make the following appointments with effect from the date each one of the under-mentioned officers started to work in the Resettlement Organisation for the management of Evacuee Agricultural Property set up in the Districts of Alwar and Bharatpur:—

- (1) All Resettlement Tehsildars to be Ex-Officio Assistant Custodians within their respective Jurisdiction;
- (2) The S. D. O's. (Resettlement) at Alwar and Bharatpur to be Ex-Officio Assistant Custodian within their jurisdiction;
- (3) The Collectors, Alwar and Bharatpur to be Ex-Officio Deputy Custodians within their Districts.

By Order of

His Highness the Rajpramukh,
SHYAM LAL

Secretary to the Government.

Published in Raj. Raj-patra Vol. 3 part I at page 780 :

Relief & Rehabilitation Deptt.

NOTIFICATION

Jaipur, December 3, 1951.

No. F. 1 (142) R.R./II/51.—In exercise of the powers conferred by section 6 (1) of the Administration of Evacuee Property Act, 1950, the Government of Rajasthan are pleased to appoint the Rural Rehabilitation Officer, Ganganagar, as *Ex-officio* Assistant Custodian of Evacuee Property for the District of Ganganagar with immediate effect.

By Order of
His Highness the Rajpramukh,
SHYAM LAL,
Secretary to the Government.

Published in Raj. Raj-patra Vol. 3 part I at page 857 :

Relief & Rehabilitation Deptt.

NOTIFICATION.

Jaipur, November 7, 1951.

No. F. 1 (220) R.R./II/51.—In exercise of the powers conferred under section 6 of the Administration of Evacuee Property Act, 1950, the Government of Rajasthan are pleased to appoint the City Magistrate, Tonk, as *ex-officio* Assistant Custodian of Evacuee Property, for the city of Tonk. This supersedes this Department's Notification No. F. 23 (19)-R.R./I/50, dated 7th December, 1950.

By Order of
His Highness the Rajpramukh,
SHYAM LAL
Secretary to the Government..

Published in Raj. Raj-patra Vol. 3 part I at page 1103 :

RELIEF & REHABILITATION DEPTT.

NOTIFICATION.

Jaipur, February 20, 1952.

No. F. 7 (1)-R.R./II/52.—In view of the fact that the Custodian of Evacuee Property Department has now got sufficient staff to look after the Evacuee Property, the Rajasthan Government are pleased to withdraw, with immediate effect, the designation of Additional Custodians conferred on all the Deputy Directors of Rehabilitation vide Relief & Rehabilitation Department order No. F. 4 (43)-RR/II/50, dated the 1st March, 1950.

B. D. CHOPRA,
Secretary to the Government.

Published in Raj. Raj-patra Vol. 4 No. 63 Dated 21-6-52 part I at page 275 :

RELIEF & REHABILITATION DEPTT.

NOTIFICATION.

Jaipur, June 16, 1952.

No. F. 13 (33) R.R./II/52.—In exercise of the powers conferred by clause (e) of sub-section (3) of section 56 of the Admini-

stration of Evacuee Property Act, 1950 the Rajasthan Government hereby notifies that the books of accounts maintained by the Custodian of Evacuee Property will be audited by the Comptroller and Auditor General of India or the Accountant General, Rajasthan in such manner as may be prescribed by him in this behalf from time to time.

By Order of
His Highness the Rajpramukh
SHYAM LAL,
Secretary to the Government.

Published in Raj. Raj-patra Vol. 4 part II at page 371 :

OFFICE OF THE CUSTODIAN OF EVACUEE
PROPERTY, JODHPUR.
NOTIFICATION.

Jodhpur, May 23, 1952.

No. Jud./33.—It is hereby notified for the information of all concerned that powers delegated to the Ex-officio Assistant Custodians under section 40 of the Administration of Evacuee Property Act, 1950, for confirming the transfers are hereby withdrawn with immediate effect. All previous notifications in so far as they deals with the delegation of powers to Ex-officio Assistant Custodians under this section are hereby cancelled. Cases pending before the Ex officio Assistant Custodians under this section at the time of the publication of this notification are to be dealt with by them as follows :—

1. Cases pending before the Ex-officio Assistant Custodians in Jodhpur and Udaipur divisions are to be transferred to the whole time Deputy Custodian, Jodhpur, for disposal.
2. Cases pending before Ex officio Assistant Custodians in Bikaner and Churu districts are to be transferred to the whole time Deputy Custodian Bikaner for disposal.
3. Cases pending before Ex-officio Assistant Custodians in Ganganagar district are to be transferred to the whole time Deputy Custodian Ganganagar, for disposal.
4. Cases pending before Ex-officio Assistant Custodians in Sikar and Jhunjhunu districts are to be transferred to the whole time Deputy Custodian, Jhunjhunu, for disposal.
5. Cases pending before Ex-officio Assistant Custodians in Alwar district are to be transferred to the whole time Deputy Custodian, Alwar, for disposal.
6. Cases pending before Ex-officio Assistant Custodians in Bharatpur district are to be transferred to the whole time Deputy Custodian, Bharatpur, for disposal.
7. Cases pending before Ex-officio Assistant Custodians in the remaining districts of Jaipur division and whole of the Kotah division

are to be transferred to the whole time Deputy Custodian, Jaipur, for disposal.

TRILOCHAN DUTT,
Custodian of Evacuee Property,
Government of Rajasthan,
Jodhpur.

Published in Raj. Raj-patra Vol. 4 part II at page 326 :

OFFICE OF THE CUSTODIAN OF EVACUEE PROPERTY,
GOVERNMENT OF RAJASTHAN JODHPUR.

NOTIFICATION.

Jodhpur. May 10, 1952.

No. J.U.D./33/.—It is hereby notified for the information of all concerned that powers delegated to the ex-officio Assistant Custodians under rule 22 of the Administration of Evacuee Property (Central) Rules, 1950 for registering third party claims are hereby withdrawn with immediate effect. All previous notifications in so far as they deal with the delegation of powers to ex-officio Assistant Custodians under this Rule are hereby cancelled. Cases pending before the ex-officio Assistant Custodians under this Rule at the time of the publication of this notification are to be dealt with by them as follows :—

1. Cases pending before the ex-officio Assistant Custodians in Jodhpur and Udaipur divisions are to be transferred to the whole time Deputy Custodian, Jodhpur for disposal.

2. Cases pending before ex-officio Assistant Custodians in Bikaner and Churu districts are to be transferred to the whole time Deputy Custodian Bikaner, for disposal.

3. Cases pending before ex-officio Assistant Custodians in Ganganagar district are to be transferred to the whole time Deputy Custodian, Ganganagar, disposal.

4. Cases pending before ex-officio Assistant Custodians in Sikar and Jhunjhunu districts are to be transferred to the whole time Deputy Custodian, Jhunjhunu, for disposal.

5. Cases pending before ex-officio Assistant Custodians in Alwar district are to be transferred to the whole time Deputy Custodian, Alwar, disposal.

6. Cases pending before ex-officio Assistant Custodians in Bharatpur district are to be transferred to the whole time Deputy Custodian, Bharatpur, for disposal.

7. Cases pending before ex-officio Assistant Custodians in the remaining districts of Jaipur division and whole of the Kotah division are to be whole time Deputy Custodian, Jaipur.

TRILOCHAN DUTT.
Custodian of Evacuee Property,
Government of Rajasthan,
Jodhpur.

Published in Raj. Raj-patra Dated March 21, 1953 part I at page 1116 :

Jaipur, March 12, 1953.

No. F. (145) R.R.-II/52.—In exercise of the power conferred by sub-section (1) of section 6 of the Administration of Evacuee Property Act, 1950, (No. XXXI of 1950), the Government of Rajasthan is pleased to appoint with immediate effect :—

(1) The Sub-Divisional Officer, Kotah, as Ex-Officio Assistant Custodian for the City of Kotah; and

(2) The Sub-Divisional Officer, Udaipur, as Ex-Officio Assistant Custodian for the City of Udaipur.

By Order of
His Highness the Rajpramukh,
SHYAM LAL,
Secretary to the Government.

Published in Raj. Raj-patra Dated February 7, 1953 part I at page 1008 :

Relief & Rehabilitation Deptt.

NOTIFICATION.

Jaipur, January 31, 1953.

No. F. 6 (1) RR/II/52.—In exercise of the powers conferred by section 6 (1) of the Administration of Evacuee Property Act, 1950, the Government of Rajasthan are pleased to make the following appointments with effect from the date each one of the under-mentioned officers started to work in the Resettlement Organisation for the management of Evacuee Agricultural Property set up in the Districts of Alwar and Bharatpur :—

(1) The Deputy Director of Rehabilitation, Jaipur, to be Ex-officio Deputy Custodian for the districts of Alwar and Bharatpur, and

(2) The Naib Tehsildars of all Tehsils and Sub-tehsils of Alwar and Bharatpur districts to be Ex-officio Assistant Custodians within their respective jurisdiction.

By Order of
His Highness the Rajpramukh,
SHYAM LAL,
Secretary to the Government.

Published in Raj. Raj-patra Dated May 16, 1953 part I at page 123 :

Relief and Rehabilitation Department.

NOTIFICATION.

Jaipur, April 22, 1953.

No. F. 2 (25) R.R./53.—In exercise of the powers conferred by sub-section (1) of section 6 of the Administration of Evacuee Property Act, 1950 (No. XXXI of 1950), the Government of Rajasthan is pleased to appoint with immediate effect the Naib Tehsildar, Kotkasim as Ex-Officio Assistant Custodian for the Sub-Tehsil Kotkasim.

By Order of
His Highness the Rajpramukh,
KAMTA PRASAD,
Secretary to the Government.

Published in Raj. Raj-patra Dated December 19, 1953 part I at page 1021 :

Jaipur, December 11, 1953.

No. F. 6 (2) R.R./II/52.—In exercise of the powers conferred under section 6 of the Administration of Evacuee Property Act, 1950, and in supersession of this department notification No. F. 4 (47) R.R./I/50, dated Jaipur, November nil, 1950, the Government of Rajasthan are pleased to appoint all the Tehsildars in the district of Bharatpur as Ex-Officio Assistant Custodians of Evacuee Property for their respective Tehsils in place of the Assistant Collectors who are at present Ex-Officio Assistant Custodians for their Sub-divisions.

Jaipur, December 11, 1953.

No. F. 6 (2) R.R./II/52.—In exercise of the powers conferred under section 6 of the Administration of Evacuee Property Act, 1950, and in supersession of this department's notification F. 1 (229) R.R./II/51 dated Jaipur the 7th November, 1951, the Government of Rajasthan are pleased to cancel the appointment of the City Magistrate, Tonk, as Ex-Officio Assistant Custodian of Evacuee Property for the city of Tonk.

By Order of

His Highness the Rajpramukh,
KAMTA PRASAD,

Secretary to the Government.

Published in Raj. Raj-patra Dated February 20, 1954 part I at page 1204 :

Relief & Rehabilitation Deptt.

NOTIFICATION.

Jaipur, February 15, 1954.

No. F. 26 (142) R.R./54.—In exercise of the powers conferred by sub-section (1) of section 6 of the Administration of the Evacuee Property Act, 1950 (No. XXXI of 1950), the Government are pleased to appoint the Commissioner of Bikaner as Additional Custodian for hearing appeals and revisions against the orders of Deputy Custodian (Agri.) (Senior Settlement Officer) Sri Ganganagar.

By Order of

His Highness the Rajpramukh,
KAMTA PRASAD,

Secretary to the Government.

Published in Raj. Raj-patra March 13, 1954 part I at page 1275 :

Relief and Rehabilitation Department.

ORDER.

Jaipur, March 1, 1954.

N. F. 18 (175) R.R./I/52.—In exercise of the powers conferred by section 3 (2) of the Administration of Evacuee Property (Rajasthan) Rules 1953, His Highness the Rajpramukh has been pleased to authorise the Custodian of Evacuee Property to accept personal security from the Officers entrusted with the receipt, disbursement or custody of money or property.

By Order of

His Highness the Rajpramukh,
KAMTA PRASAD,

Secretary to the Government.

Office of the Custodian of Evacuee Property, Rajasthan, Alwar.
NOTIFICATION.

Alwar, June 15, 1953.

No. Jud./33/3114.—In exercise of the powers conferred upon me by section 55 (4) of the Administration of Evacuee Property Act No. XXXI of 1950, I hereby delegate the powers of the Custodian to the following Custodian Officers to be exercised in respect of the area for the time being under their jurisdiction.

| S.No. | Name of the Officer. | Designation of the Officer. | Powers delegated. |
|-------|-----------------------------|-----------------------------|---|
| 1. | Shri Amilal Sharma | Additional Deputy Custodian | Under section 7, 8, 9, 10, 11, 12, 13, 14, 16, 40, 41, 45 & 48, of the Administration of Evacuee Property Act No. XXXI of 1950. |
| 2. | " Manohar Lal H. Rai | —do— | Under section 7 (Except in cases falling under section 2 |
| 3. | " Harikishin Lal | —do— | (d) (iii) 8, 9, 10, 11, 12, 13, 14, 16, 40, 41, 45 & 48 of the A. E. P. Act No. XXXI of 1950. |
| 4. | " Kundan Lal Kapoor | —do— | |
| 5. | " Kishan Swaroop Srivastava | —do— | |
| 6. | " Rang Raj Mehta | District Assistant | |
| 7. | " Ram Nath Mehta | —do— | |
| 8. | " Surya Karan Sharma | —do— | |
| 9. | " Damodar Lal Mathur | —do— | |
| 10. | " Anandi Lal Mathur | —do— | |
| 11. | " Chand Ratan Misra | —do— | |

To all the ex-officio Deputy Custodians (Collectors) in the State of Rajasthan.

Under section 7, 8, 9, 10, 11, 12, 13, 14, 16, 40, 41, 45, & 48, of the Administration of Evacuee Property Act No. XXXI of 1953.
Under section 7 (Except the cases falling under section 2 (d) (iii), 8, 9, 10, 11, 12, 13, 14, 16, 45, & 48, of the A. E. P. Act No. XXXI of 1950.

To all the ex-officio Assistant Custodians (Tehsildars) in the State of Rajasthan.

KSHEM CHANDRA GUPTA,
Custodian, Evacuee Property, Rajasthan, Alwar.

Published in Raj. Raj-patra Dated October 24, 1953 part II at page 1085 :

Office Of The Custodian, Evacuee, Property,
Rajasthan, Alwar.

NOTIFICATION.

Alwar, October 10, 1953

No. 8204.—“In exercise of the powers conferred upon me by section 12A of the Administration of Evacuee Property Act, 1950 (XXXI of 1950), I, Kshem Chandra Gupta, Custodian of Evacuee Property, State of Rajasthan, do hereby declare that with effect from 1-11-1953, I shall stand absolved of all responsibilities with respect to the tenancy rights which have vested in me as evacuee property under the said Act and the leases granted by me or any Custodian Officer in Rajasthan in respect of such property”.

KSHEM CHANDRA GUPTA,
Custodian, Evacuee Property,
Rajasthan, Jaipur

Published in Raj. Raj-patra Dated October 31, 1953 part II at page 1114 :

Office of the Custodian of Evacuee Property,
Rajasthan, Alwar.

NOTIFICATION.

Alwar, October 18, 1953.

No. Jud./Delegation of Powers./33/1627.—In exercise of the powers conferred upon me under section 55 (a) of the Administrative of Evacuee Property Act No. XXXI of 1950, I hereby delegate the powers of the Custodian exercisable under section 7 (Except the cases falling under section 2d (iii) 8, 9, 10, 11, 12, 13, 14, 41, 43, 45 and 48 of the said Act to the Thikana Tehsildar Kotputli, for the whole of this Tehsil with effect from the date he exercised these powers or any of them.

KHEM CHANDRA GUPTA,
Custodian, Evacuee Property,
Rajasthan Alwar.

Published in Raj. Raj-patra Dated November 14, 1953 part II at page 1160 :

Office of the Custodian, Evacuee, Property,
Rajasthan, Alwar.

NOTIFICATION.

Alwar, November, 1953.

No. Jud./33/9289 —In exercise of the powers conferred upon me under section 55 (a) of the Administration of Evacuee Property Act, No. XXXI of 1950, I hereby delegate the powers of the Custodian exercisable under section 7. 8, 9, 10, 11, 12, 13, 14, 16, 40, 41, 43, 45, and 48 of the said Act to Shri Kunwar Bahadur, Deputy Custodian. (Headquarter) Rajasthan, for the whole of Rajasthan.

KSHEM CHANDRA GUPTA,
Custodian, Evacuee Property,
Rajasthan, Alwar.

Published in Raj. Raj-patra Dated February 27, 1954 part II at page 1740 :

OFFICE OF THE CUSTODIAN, EVACUEE PROPERTY,
RAJASTHAN, ALWAR.

ORDER

Alwar, February 17, 1954.

No. Judl./32/2400.—In exercise of the powers conferred by sub-section (1) of section 12 A of the Administration of Evacuee Property Act, 1950, (XXXI of 1950), and in supersession of my previous order No. Jud./32/8204, dated the 10th October, 1953, I, Kshem Chandra Gupta, Custodian of Evacuee Property, Rajasthan, do hereby declare that in all cases where—

(a) tenancy rights in non-agricultural properties situate within Municipal limits of all the cities and towns in Rajasthan having municipal corporation or a Committee have vested in him as evacuee properties; and

(b) he has granted a lease in respect of such properties; and

(c) the lessors under whom such properties were held immediately before they vested in the Custodian are not evacuees;

he shall stand absolved with effect from the date of this order of all responsibilities with respect to the said properties or the leases granted by him in respect thereof.

KSHEM CHANDRA GUPTA,
Custodian

Evacuee Property Rajasthan, Alwar.

Published in Raj. Raj-patra Dated March 6, 1954 part II at page 1763 :

OFFICE OF THE CUSTODIAN OF EVACUEE PROPERTY,
RAJASTHAN, ALWAR.

NOTIFICATION

Alwar, February 22, 1954.

No. Jud./33/2708.—In exercise of the powers conferred upon me under section 55 (4) of the Administration of Evacuee Property Act No. XXXI of 1950, I hereby, delegate powers under section 24 and 26 of the said Act to the Commissioner, Bikaner Division, Bikaner, to receive, hear and decide appeals and revisions against the orders of Additional Deputy Custodian, (Agricultural lands), (Senior Settlement Officer), Shri Ganganagar.

KSHEM CHADRA GUPTA,
Custodian.

Published in Raj. Raj-patra Dated February 5, 1955 part I (b) at page 671 :

ENGLISH TRANSLATION

(Authorized by His Highness the Rajpramukh)

NOTIFICATION

Jaipur, January 19, 1955.

No. F. 33 (125) R.R./54.—In exercise of the powers conferred by sub-section (1) of section 6 of the Administration of Evacuee

Property Act, 1950 (Act XXXI of 1950) the Government of Rajasthan is pleased, in consultation with the Custodian General, to appoint the following Officers as Ex-officio Additional Deputy Custodian and Assistant Custodians respectively, in respect of evacuee agricultural lands with effect from the date and for the area noted against each :—

- | | |
|--|---|
| <p>(1) Shri Shewak Ram Regional Settlement Officer, Rajasthan, Jaipur.</p> <p>(2) Shri Mohan Lal Agarwal, Settlement Officer, Sri Ganganagar.</p> <p>(3) Shri Babu Prasad Mathur, Settlement Officer, Alwar.</p> | <p>Additional Deputy Custodian for Rajasthan excluding the Districts of Sri Ganganagar, Alwar and Bharatpur, with effect from 1-10-54</p> <p>Assistant Custodian for Sri Ganganagar District with effect from 1-1-55.</p> <p>Assistant Custodian for the Districts of Alwar and Bharatpur with effect from 15-9-54.</p> |
|--|---|

By Order of
His Highness the Rajpramukh,
B. S. RANAWAT,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 9, 1955 part 2 (a) at page 10 ;

Office of the Custodian of Evacuee Property,
Rajasthan Alwar.

ORDERS.

Alwar, March 26 1955

N. S.C.A/1.—In exercise of the powers conferred by section 24 (2) of the Administration of Evacuee Property Act, I.S.L. Ahuja, Custodian of Evacuee Property, Rajasthan, hereby authorize the following Additional Deputy Custodians to decide such appeals as the Custodian is competent to dispose of and as may be entrusted to them, and to revise on their own motion under section 26 of the said Act, the orders of all the Assistant Custodians shown below in cases where either no notices or defective notices under section 7 (1) of the Administration of Evacuee Property Act of 1950 have been issued to the evacuee or persons claiming title or interest in the property which has not otherwise vested in the Custodian under any law in force in the former covenanting States which subsequently merged in Rajasthan and in the United State of Rajasthan. This order will remain in force upto 8th of April, 1955, for the present.

For the purpose of section 26 the Assistant Custodians mentioned in column No. 2 in the schedule below shall be considered as subordinate to the Additional Deputy Custodians mentioned in column No. 1.

| 1 | 2 |
|--|--|
| 1. Shri Ami Lal Sharma, Add-Deputy Custodian, Alwar. | All the Assistant Custodians in the District of Alwar. |

| | |
|--|---|
| 2. Shri Manohar Lal H. Rai Addl. Deputy Custodian, Bharatpur. | All the Assistant Custodians in the Districts of Bharatpur and Sawai Madhopur and Kotah Division. |
| 3. Shri Har Kishan Lal, Addl. Deputy Custodian, Jodhpur. | All the Assistant Custodians in the Districts of Jaipur, Sikar, and Jhunjhunu. |
| 4. Shri Sohan Lal Surana, Addl. Deputy Custodian, Jodhpur. | All the Assistant Custodians in the Jodhpur Division. |
| 5. Shri K.L. Kapoor, Addl. Deputy Custodian, Shri Ganaganagar. | All the Assistant Custodians in the Bikaner Division. |

Alwar, March 26, 1955.

No. S.L.A/2.—In exercise of the powers conferred by section 24 (2) of the Administration of Evacuee Property Act, I, S. L. Ahuja, Custodian of Evacuee Property, Rajasthan, hereby authorize Shri Sachanand B. Wadhvani, Deputy Custodian (Headquarters), to decide such appeals as the Custodian is competent to dispose of and as may be entrusted to him, and to revise on his own motion under section 26 of the said Act, the orders of all the Assistant Custodians throughout Rajasthan, in cases where either no notices or defective notices under section 7 (i) of the Administration of Evacuee Property Act of 1950 have been issued to the evacuee or persons claiming title or interest in the property which has not otherwise vested in the Custodian under any law in force in the former covenanting States, which subsequently merged in Rajasthan and in the United State of Rajasthan. This order will remain in force upto 8th of April, 1955, for the present.

For the purpose of section 26 all the Assistant Custodians in Rajasthan shall be considered as subordinate to the Deputy Custodian (Headquarters).

S. L. AHUJA,
Custodian,
Evacuee Property, Rajasthan,
Alwar.

Published in Raj. Raj-patra Dated July 23, 1955 part 2 (a) at page 144 ;

Office of the Custodian of Evacuee Property,
Rajasthan, Alwar.

NOTIFICATION
Alwar, July 4, 1955.

No. Jud/33/B/10698.—In exercise of the powers conferred upon me by section 55 (4) of the Administration of Evacuee Property Act, No. XXXI of 1950, I hereby delegate the powers of the Custodian exerciseable under section 7, 8, 9, 10, 11, 12, 13, 14, 16,

40, 43, 45, and 48 of the said Act to Shri Harkishan Lal, Additional Deputy Custodian, Jaipur for the whole of the State of Rajasthan.

S. L. AHUJA,
*Custodian, Evacuee Property,
Rajasthan, Alwar.*

Published in Raj. Raj-patra Dated May 19, 1956 part I (a) at page 67 :

Relief and Rehabilitation Department.

NOTIFICATION

Jaipur, May 5, 1956.

No. D. 7057/F. 5 (27).R & R/56.--In exercise of the powers conferred under Section 6 (1) of the Administration of Evacuee property Act, 1950, the Government of Rajasthan is pleased to appoint Mian Kushal Singh as Ex-Officio Custodian of Evacuee Property, Rajasthan from the date he takes over charge of the post of Regional Settlement Commissioner, Rajasthan.

G. K. BHANOT,
Deputy Secretary to the Government.

RELIEF AND REHABILITATION DEPARTMENT
NOTIFICATION*Jaipur May 21, 1956.*

No. D-5201/F-45(8)RR/55.—In exercise of the powers conferred by section 6 (1) of the Administration of Evacuee Property Act, 1950 (Act No. XXXI of 1950), the Government of Rajasthan is pleased hereby to appoint the officers shown in column 2 of the table below to be the officers shown against each in column 3 thereof within the areas shown in column 4 thereof for the purpose of discharging the duties imposed on them by or under the said Act.

T A B L E

| S.No. 1 | Name of the Officer. 2 | Designation. 3. | Jurisdiction. 4 | Head Quarter. 5 |
|------------|------------------------------|----------------------|--|--------------------|
| 1. | Shri M.L. Agarwal .. | Deputy Custodian. | Ganganagar District. | Ganganagar. |
| 2. | Shri Tikamdas Gehimal | -do- | Whole of the Jodhpur Division. | Jodhpur. |
| 3. | Shri Ami Lal Sharma | -do- | All Districts of the Kotah Division and the Districts of Tonk and S. Madhopur. | Kotah. |
| 4. | Shri Harkrishanlal .. | -do- | Jaipur and Sikar Districts. | Jaipur. |
| 5. | Shri B.P. Mathur .. | Assistant Custodian. | Alwar District. | Alwar. |
| 6. | Shri Manmohanlal Mathur. | | | |
| 7. | Shri Kangaraj Mehta .. | -do- | Bharatpur District. | Bharatpur. |
| 8. | Shri Rewa Chand .. | -do- | Whole of the Udaipur Division. | Udaipur. |
| 9. | Shri Ghanshyam Dass Gupta .. | -do- | Bikaner and Churu District. | Bikaner. |
| | | | Jhunjhunu District. | Jhunjhunu. |

The powers hitherto exercised, as ex-officio Deputy Assistant Custodians by the Collectors and Tehsildars respectively are hereby withdrawn.

By Order of

His Highness the Kapramukh,
G. K. BEANOI

Deputy Secretary to the Government.

Published in Raj. Raj-patra Dated July 21, 1956 part I (b) at page 338 :

Relief and Rehabilitation Department.

NOTIFICATION.

Jaipur, July 2, 1956.

No. D. 8931/F. 45 (8) RR/55.—This Department Notification No. D. 5201/F. 45 (8) RR/55, dated the 21st May, 1956 regarding withdrawal of the powers hitherto exercised as Ex Officio Deputy/Assistant Custodians by the Collectors and Tehsildars respectively is kept in abeyance till further orders so far as Districts of Alwar, Bharatpur and Ganganagar are concerned.

A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra Vol. 8 part I (a) at page 125-126 :

Jaipur, May, 1956.

No. D. 3960/56. F. 2 (33) R- & R/56—In pursuance of the powers conferred by section 33 of the Administration of Evacuee Property Act, 1950, the Government of Rajasthan is pleased to authorise the Custodian of Evacuee Property for Rajasthan to sanction all prosecutions for offences punishable under the said Act.

By order of
His Highness the Rajpramukh
A. K. Roy,
Secretary to the Government.

Published in Raj. Raj-patra Dated July 28, 1956 part I (a) at page 131 :

Jaipur, July 16, 1956

No. D. 10522/F. 5 (61) RR/56.—In partial modification of this Department notification No F-4 (53) RR/1/50, dated 30th December, 1950, the State Government is hereby pleased to nominate the District Judges of Jaipur City, Jaipur, Jaipur District Jaipur and Bharatpur in virtue of their offices, to hear the appeals under sub-section (i) of Section 25 of the Administration of Evacuee Property Act, 1950 and to define the local limits of their jurisdiction as follows:—

- (1) Distt. Judge, Jaipur City Jaipur-Jaipur City & Tonk District.
- (2) Distt. Judge, Jaipur Distt. Jaipur-Jaipur Distt. including Jaipur city.
- (3) Distt. Judge, Bharatpur-Distt. of Bharatpur and Sawai Madhopur.

By Order of
His Highness the Rajpramukh,
G. K. BHANOT,
Deputy Secretary to the Government

Published in Raj. Raj-patra Dated April 28, 1956 part 2 (a) at page 30 ;

Office of the Custodian of Evacuee Property, Rajasthan, Alwar.

NOTIFICATION

Alwar, April 9, 1956.

No. Jud/33/B/5713.—In exercise of the powers conferred by section 24 (2) of the Administration of Evacuee Property Act No. XXXI of 1950, I, H.K. Mathur, Custodian of Evacuee Property Rajasthan, hereby authorise Shri K.L. Kapoor, Deputy Custodian (Hqrs.) to decide such appeals and revisions from the orders of all the Assistant Custodians throughout Rajasthan as the Custodian is competent to dispose of and as may be entrusted to him and also to revise on his own motion such orders under section 26 of the said Act.

This will come into force immediately and will remain in force until further orders.

H. K. MATHUR,
Custodian,
Evacuee Property, Rajasthan,
Alwar.

Notification under

ADMINISTRSTION OF EVACUEE PROPERTY ACT (CENTRAL
ACT No. XIII OF 1950)

(Rajasthan Gazette—Part IV [Ga] dated 22-8-1963—Page 149).

Notification No. F 12 (1) Rev./A/63.—In exercise of the powers conferred by sub section(2)of section55 of the Administration of Evacuee Property Act, 1950 (Central Act No. 13 of 1950), the State Government hereby directs that the powers under sub-section (1) of section 11 in respect of Muslim evacuee properties in trust for a public purpose of a religious or charitable nature in the Rajasthan State, exercisable by the Government of Rajasthan by virtue of Government of India, Ministry of Rehabilitation, Notification No. 2 (25) II/60-Prop, dated the 26th September, 1960, shall also be exercisable by the Board of Muslim Wakfs established under section 9 of the Muslim Wakfs Act, 1954.

Rules and Notifications under

ADMINISTRATOR GENERAL'S ACT, 1913
(CENTRAL ACT NO. 3 OF 1913)

RAJASTHAN ADMINISTRATOR-GENERAL'S RULES, 1956

NOTIFICATION.

Jaipur, April 30, 1956.

No. F. 6 (1) Jud/56.—In exercise of the powers conferred by section 50 of the Administrator-General's Act, 1913 (III of 1913), the Government of Rajasthan is pleased to make the following Rules for carrying into effect the objects of the said Act and for regulating the proceedings of the Administrator-General of the State of Rajasthan.

1. *Short title:*—These rules may be called the Rajasthan Administrator-General's Rules, 1956.

Notes.

The above rules have been framed in pursuance of section 50 of the Administrator-General's Act, 1913. Section 50 reads as under :—

(1) The Government shall make rules for carrying into effect the objects of this Act and for regulating the proceedings of the Administrator-General.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for :—

(a) the accounts to be kept by the Administrator-General and the audit and inspection thereof,

(b) the safe custody, deposit and investment of assets and securities which come into the hands of the Administrator-General,

(c) the remittance of sums of money in the hands of the Administrator-General in cases in which such remittances are required,

(d) subject to the provisions of this Act, the fees to be paid under this Act, and the collection and accounting for any such fees,

(e) the statements, schedules and other documents to be submitted to the Government or to any other authority by the Administrator-General and the publication of such statements, schedules or other documents,

(f) the realization of the cost of preparing any such statements, schedules or other such documents,

(g) the manner in which and the person by whom the costs of, and incidental to, any audit under the provisions of this Act are to be determined and defrayed,

(h) the manner in which summonses issued under the provisions of section 46 are to be served and the payment of the expenses of any persons summoned or examined under the provisions of this Act and of any expenditure incidental to such examination, and

(i) any matter in this Act directed to be prescribed.

(3) All rules made under this Act shall be published in the Official Gazette, and, on such publication, shall have effect as if enacted in this Act.

2. *Definitions:*—(1) In these rules, unless there is anything repugnant in the subject or context—

(a) "the Act" means the Administrator-General's Act 1913 (III of 1913).

(b) "Administrator-General" means the Administrator-General of Rajasthan.

(c) "the Bank" means the Bank of Jaipur Ltd.

*These rules have been first published in Rajasthan Raj-patra Dated April 24, 1957
Supplementary at page 1.*

(d) "State Government" means the State Government of Rajasthan.

(2) Unless the context otherwise requires, the Rajasthan General Clauses Act, 1955 (No. 8 of 1955) shall apply for the interpretation of these rules as it applies for the interpretation of a Rajasthan Act.

3. *Regard to be had to wishes of relatives and others as to the disposal of assets:*—The Administrator-General shall dispose of the asset of an estate either under his direct supervision or through such person or local official as may appear suitable to him, and in doing so he shall, if the estate does not appear to be insolvent, have regard to the wishes of the persons who are entitled to a share of the estate concerning the reservation of such articles as may be desired by such persons; provided that such wishes are made known to him before the disposal of the property, unless he considers that such a course would be pre-judicial to the administration of the estate or would conflict with the interest of some other interested person. Unless the estate is insolvent, no specific legacy shall be sold without a reference to the person to whom it is bequeathed but such a reference may be dispensed with when there are no sufficient funds to pay the statutory charges :

Provided that nothing contained in this rule shall prevent the immediate disposal of live stock or other assets subject to speedy or natural decay or articles the storage of which cannot conveniently be arranged for or would involve disproportionate expenditure.

4. *Security to be furnished by certain persons.*—The Administrator-General may require any person who is entrusted with the receipt or custody of money or property belonging to an estate to furnish such security as the Administrator-General may deem expedient with due regard to the responsibility of such person.

5. *Payment of moneys into treasury and accounting thereof:*—(1) All moneys belonging to any estate under administration shall, without undue delay, be paid in full into the State treasury and shall be included in the public account of the State.

(2) Moneys received, or payments made by the treasury on account of any estate under administration shall be accounted for in a personal ledger account which shall be opened at the treasury in the name of the Administrator-General.

6. *Custody of securities:*—(1) All securities, debentures and shares coming into the possession of the Administrator-general shall, as soon as practicable, be lodged in the Bank for safe custody except in any case in which it may be necessary for him to retain them temporarily for any purpose, such as drawing dividends, sale in due course of administration, closing the accounts of the estate or the like. All such securities or shares shall, as soon as practicable, be endorsed or transferred in the name of the Administrator-General and earmarked to the estate to which they respectively belong.

(2) All securities lodged under this rule may be withdrawn on requisition signed by the Administrator-General.

7. *Custody of valuables & documents*:—(1) The Administrator-General shall make suitable arrangements in his office for the safe custody of all cash, currency notes and other securities and other assets, such as jewels, ornaments and articles of like nature, and also title deeds and other documents belonging to the estates. All jewels ornaments and other articles of a like nature which are of any substantial value shall, as soon as possible, be listed in the register of reserved articles and valued by the Administrator-General, or, if he thinks it necessary, by a valuer.

(2) When the value of the jewels or other articles belonging to an estate exceeds Rs. 500, the Administrator-General shall, after they have been valued deliver them for safe custody to the bank or to any other bank or firm approved of by the State Government in this behalf, except in any case in which it may be necessary for him to retain them for sale or distribution or the like, and if their value does not exceed Rs. 500 he may either deliver them to such bank or firm for safe custody or retain them in the place provided in his office.

8. *Accounts, etc*:—The Administrator-General shall keep the accounts, statements and records specified in Schedule I of these rules.

9. *Receipts*:—Every payment charged in the Administrator-Generals' general cash account shall be passed for payment under the initials of the Administrator General, who shall, as far as possible, obtain receipts for such payments.

10. *Procedure of payment to creditors*:—(1) As soon as the Administrator-General is in a position to pay the creditors in full, or in insolvent cases when he has realised all the assets, he shall forward a special notice to each creditor whose claim has been admitted together with a receipt for the amount payable to him for his signature, whether such receipt represents the total amount of his claim or a dividend. Such notice shall be sent to the creditor at his last known address. On presentation of the receipts duly signed accompanied by a registry certificate, if one has been issued to the creditor, unless the non-production of the letter is satisfactorily explained, the amount shall be paid to the creditor.

(2) Should the registry certificate be issued and produced, it shall be retained if the payment is made in full; but where only a dividend is paid, it shall be returned to the creditor with an endorsement thereon showing the amount of dividend so paid.

(3) A notice similar to the one mentioned in clause (1) shall be forwarded to every creditor of an estate whose claim has been admitted, but has not been paid in full, whenever further assets in such estates have been realised and the Administrator-General is in a position to pay a further dividend on the admitted claim.

(4) When any creditor to whom a notice under clause (1) or clause (3) has been sent has not within three months from the date

of notice requested payment of the amount payable on his claim, a notice shall be forwarded to him by registered post informing him that the amount payable is at his disposal and that if not claimed within 3 years such amount or such portion thereof as can conveniently be invested will be invested in securities or shares at his risk as to any depreciation in the value of such securities or shares.

11. *Payments to persons in United Kingdom*:—All payments made to persons resident in the United Kingdom shall be made through the Official Agent to the Administrator-General at the Office of the High Commissioner for India by means of bills of exchange payable on demand in London. Such bills of exchange shall be obtained by the Administrator-General from the bank though they need not necessarily be the bills of the bank.

(2) Payments made to persons residing in other countries may be made through an Official or direct, as the Administrator-General may consider desirable.

12. *Investments*:—The Administrator-General may invest or retain invested money belonging to any estate in any investment authorised by the testamentary instrument or, unless expressly forbidden by such instrument in any securities specified in section 20 of the Indian Trusts Act, 1882 (II of 1882) or with previous sanction of Rajasthan Government in such other securities, shares, debentures or fixed deposits as may be considered safe and beneficial to the estate.

13. *Investment in cash balance*:—Whenever any assets cannot be paid or delivered to a person entitled thereto because such person has not claimed payment or delivery after receipt of notice or because the address of such person is not known such assets shall be transferred to the register of unclaimed assets. If not claimed within three years of the date of transfer, movable property shall be sold and its sale proceeds placed at the credit of the account. Moneys at the credit of the register of unclaimed assets, if the amount to or exceed Rs. 500, may be invested in such securities as are expressly authorised by the instrument under which the administrator-General holds the estate, or in other securities specified in rule 12.

(2) The cash balance standing to the credit of a separate account which represents the income of any property and which is payable by way of annuity to the person or persons entitled thereto shall not be invested unless it can properly be treated as dead assets and exceeds Rs 500 in amount.

(3) An amount or property payable to a legatee by way of an annuity or to a person who by virtue of his being a minor or lunatic or otherwise is incapable of receiving payment may be transferred to the accounts of the Official Trustee, who shall deal with according to law. An Official note shall be considered an instrument in writing for the purpose of such transfer.

14. *Petty receipts of closed estates account*:—The Administrator-General may transfer to a separate account, which shall be

styled "Miscellaneous Ledger", all small balances which, when the accounts of an estate are closed are, owing to the smallness of the amounts, indivisible amongst the beneficiaries or creditors of the estates entitled thereto, and also any sum received as and by way of further assets of an estate after it has been closed and which owing to the smallness of the amount is equally indivisible. Should any further assets be received to the credit of an estate in which such a transfer has been made and such further assets together with the amount or amounts if more than one so transferred to this account be in the aggregate capable of division amongst the beneficiaries or creditors entitled thereto, the amount or amounts so transferred to this account shall be retransferred to the credit of the general account of the estate concerned, which shall be reopened and a further distribution of such assets then made.

15. *Management of Zamindaris*.—In order to secure efficient and economical management of zamindaris or Jagir lands belonging to estates under the charge of the Administrator-General, the costs of the management of which are debitable to the estates under the provisions of section 43 of the Act, it shall be open to the Administrator-General to employ a general manager and such assistants as may be necessary for the management thereof instead of employing separate managers and assistants in the case of each estate. The salaries of the manager and assistants and other expenditure of the zamindari department, which is not incurred specifically on account of any particular estate concerned shall be ratably divided amongst all the estates concerned in proportion to the amount of the annual collections of the various zamindaris, or Jagir lands, taking also into account the nature and the amount of work involved in the management thereof.

Each estate shall, however, be debited with any particular expenditure solely and exclusively incurred on its account. The general expenditure shall be so regulated that in no case shall any estate be debited with a larger sum than it would ordinarily cost to manage it if the property belonging to it were placed under the management of its own separate staff.

16. *Destruction of papers*.—The Administrator-General may during the course of the administration of any estate in his hands, destroy any papers which he has received and which he considers to be of no value and on the close of the administration of the estate may destroy the rest of the papers, photographs and other articles of no value which are not claimed by the beneficiaries next-of-kin or any other persons entitled thereto or interested therein.

17. *Reports*.—The Administrator-General shall in April every year, submit to the Government a report in the form in Schedule II to these rules.

18. *Return of fees*.—(1) The Administrator-General shall submit to the Government at the close of the financial year, as soon as

possible, a statement showing all the fees and other income of the department paid to the State Government and all the expenses incurred and charges paid by the State Government. This statement shall be termed the "financial statement" and shall be submitted through the Accountant-General, who shall verify the figures.

(2) The financial statement of the Administrator-General may be combined with that of the Official Trustee of the State of Rajasthan so long as both the offices are amalgamated.

19. *Rule under sections 7 and 8.*—When an application is made to the High Court for letters of administration by any person other than the next-of-kin of the deceased, or for letters of administration other than letters pendent lite to any Court by a creditor, a legatee other than a universal legatee or a friend of the deceased, a citation with a copy of the application and its annexures shall be forwarded to the Administrator-General, who shall contest the application for letters of administration under section 7 or section 8 of the Act if he considers the adoption of such a course necessary or desirable.

20. *Rules under section 9.*—(1) In discharging the duty imposed by section 9 of the Act, the Administrator-General shall have regard to the following directions, namely:—

(a) If no steps have been taken in any court of competent jurisdiction to obtain probate or letters of administration, within one month of the date on which the Administrator-General has had notice of the death, the Administrator-General shall proceed to take the necessary steps to obtain administration:

Provided that when the name and address of the executor or next-of-kin is known to the Administrator-General, the Administrator-General shall not proceed in the administration until he has communicated with such executor or next-of-kin in order to ascertain whether he proposes to apply for administration and until a reasonable time has elapsed for the receipt of a reply to such communication; and where a reply in the affirmative has been received, until the expiration of such further time as would admit of an application for administration being made ;

(b) notwithstanding anything contained in clause (a) the Administrator-General may take immediate action under section 9 if in his opinion such course is necessary to protect the estate.

(2) Notwithstanding anything contained in sub-rule (1) in a case in which the Administrator-General is satisfied that there is no dispute among the persons on whom the assets of the deceased devolve or among the persons to whom the assets are bequeathed or there are no creditors whose interests have to be protected, he may not take proceedings to obtain letters of administration.

21. *Notices under section 26.*—(1) The notice to be given under section 26, sub-section (1) of the Act, shall whenever possible be

in the form prescribed in Schedule III to these rules and shall be advertised in such papers as the Administrator-General thinks fit :

Provided that more than one estate may be included in the same notice.

NOTE.—It is not necessary for the Administrator-General to advertise separately for the heirs or next-of-kin of the deceased in intestate cases as the wording of the notice is meant to and is enough to bring within its scope not only the creditors but also the heirs or next-of-kin of the deceased and other persons who may be in any way interested in the distribution of the assets of the estate.

(2) Notice of rejection or disallowance of a claim under section 26, sub-section (3) of the Act, shall be given by a letter addressed to the creditor at the address given by him in his communications or other known address, and shall be served (a) personally, or (b) on his agent or (c) by registered post. In no event shall the funds of the estate be distributed, if there be any doubt as to the sufficiency thereof, until the expiration of one month from the date of the service of notice under section 26 (3).

22. *Application under section 31 or 32.*—Application for a certificate under section 31 or section 32 shall be made on petition or by affidavit, which shall bear a stamp of the value of one rupee and shall disclose—

(a) the full name and place and date of death of the deceased;

(b) the name and address of the applicant ;

(c) full particulars of the assets in respect of which a certificate is applied for and the value thereof;

(d) full names and addresses of the heirs and next-of-kin to the deceased with relationships;

(e) whether the deceased has left a will or otherwise. If there be a will it shall be submitted in original with the affidavit of at least one of the attesting witnesses to prove due execution of the will as required by law; and, if the certificate is applied for intestate cases by any one other than the executor named in the will, the original renunciation shall also be submitted;

(f) particulars of liabilities against the estate of the deceased as far as known to the applicant;

(g) statement whether application has been made for probate of the will or for letters of administration relating to the estate in any court, and with what result ;

(h) an undertaking that the applicant will administer the estate according to the law ;

(i) in the case of an application under section 32 full particulars of the debt and a statement whether any security and, if so, what is held for the debt together with full particulars of the claims of other creditors and an undertaking that the applicant will pay all debts as required by law, and that if there

should be a surplus after satisfying all claims he will make it over to the legal heir of the deceased and that failing such an heir he will remit the surplus amount with a statement of account to the Administrator-General; and

(j) such other information and particulars, together with such documents, as may be required by the Administrator-General in any particular case.

23. *Advertisement of certificate under section 31 or 32.*—When an application is made to the Administrator-General for certificate under section 31 or section 32 of the Act, he may, if he considers it likely that the will may be contested or that the granting of certificate to the applicant may be objected to, have general citation posted on the notice-board of his Office, or if he is requested to do so by the applicant or any other person before or during the pendency of the proceeding, advertise the same in such newspapers as he thinks fit. A period of at least fifteen days shall be fixed in the citation and no certificate shall be granted before expiry of the period specified in the citation. Should the circumstances warrant, the period mentioned in the citation may be extended.

In cases where a citation is to be advertised in newspapers the cost shall be deposited within a period to be fixed by the Administrator-General, failing which the proceedings shall abate for default.

24. *Rule under section 32.*—For the purposes of section 32 of the Act, the area notified is whole of Rajasthan.

25. *Fees under section 42.*—The fees mentioned in Schedule IV to these rules shall be the fees prescribed under section 42 of the Act, provided that they may be reduced, compounded for, or remitted as provided in these rules.

26. *Valuation for calculating fees under section 42.*—For the purpose of calculating the fees under section 42 of the Act, assets shall be valued as follows :—

(1) The value of movable assets (other than cash) shall be—

- (a) the price realised on sale ;
- (b) if there be no such sale, then the value of the property on the date of its transfer to the heir, legatee or creditor :

Provided that if any particular case the Administrator-General considers it necessary he may get the property valued by an expert whose charges shall be paid out of the funds of the estate.

(2) The value of immovable assets shall be—

- (a) the price realised on sale ;
- (b) if there be no such sale, the value of the property as estimated by the Collector or agreed upon between the Administrator-General and the person to whom it is transferred.

(3) Income, where the same is derived from the carrying on of any trade or business, shall mean the gross receipts of such trade or business.

NOTE:—Collection and management charges shall not be deducted from the gross rent or income for the purpose of assessment of fee under this rule.

27. *Time of Payment.*—Fees under section 42 of the Act shall be levied and debited to the account of an estate—

(1) If the property is sold, on the receipt of the sale proceeds : provided that no fee shall be debited to the account of the estate so as to leave a debit balance;

(2) If the property is not sold but transferred or made over at some person, at the time of closing the account of the estate, in instalments during the administration of the estate. But in all cases the fee shall be adjusted before the final winding up of any estate.

28. *Manner of calculation and payment.*—Subject to any special arrangement made under rule 34 all fees payable under section 42 of the Act shall be calculated in the manner laid down in rule 26 and debited to the estate as provided in rule 27.

29. *Adjustment of fees in accounts.*—The accounts of each estate in regard to fees payable shall be adjusted every half-year on June 30th and December 31st, respectively :

Provided that previous to the final winding up of any estate, the Administrator-General shall adjust his account in regard to fees charged or payable in accordance with the rules herein contained.

30. *Fees paid for services under section 11 to be part payment of fees of subsequent administration:*—Where after an order has been made under section 11 of the Act, letters of administration are subsequently granted to the Administrator-General the fees charged by him under heads (a) of Schedule IV shall be deemed to be a part payment of the fees payable to the Administrator-General under head (a) of the said Schedule.

31. *Reduction of fees:*—If in any case it appears to the Administrator-General that the circumstances of an estate proposed to be administered by him are, or probably will be, such as to render his duties in relation thereto simple or that payment of the fees in full would result in hardship to the heirs, legatees or creditors having regard to the circumstances of the case, he may remit any part (not exceeding one half) of any prescribed fee; but in every such case the reasons for so doing shall be recorded by him and report of such cases, except where a remission is allowed in charging the prescribed minimum fee, shall be submitted in January every year, to the Government, provided that no second report shall be made if the reasons for allowing remission have not altered, and provided also that nothing contained in this rule shall affect the order of payment of the administration fee and expenses.

32. *Remission of fees in cases under section 31 and 32:*—In the case of a certificate granted under section 31 or section 32 of the Act, the Administrator-General may, in cases of great hardship and

where the assets do not exceed Rs. 500/-, remit all fees (or a part thereof) payable under these rules, and in other cases may remit any part not exceeding one-half of the prescribed fee, but in every case he shall record his reason for so doing.

33. *Composition of fees:*—Where in the opinion of the Administrator-General the income of any assets appertaining to an estate is not liable to serious fluctuations, he may from time to time agree with the person or persons entitled to such income to accept in lieu of the income fee payable in pursuance of Schedule IV, a fixed half-yearly fee of such amount as shall appear to the Administrator-General approximately equal to the average Income fee which but for such agreement would be payable in respect of such income. A report of such cases shall be submitted to the Government in January every year, but it shall not be necessary to report the same case more than once unless the arrangement for the composition of fees is varied.

34. *Method of payment of fees:*—The Administrator-General may agree to the payment by such instalments as shall seem to him just and reasonable of any fee payable to him under the Act.

35. *Audit:*—(i) The accounts of the Administrator-General shall be audited twice a year by the auditors of the Examiner of Local Fund Accounts.

(ii) The Accounts of the Administrator-General in regard to estate; under administration shall be balanced every half-year viz. on June 30th and December 31st.

(iii) The said accounts shall be examined by the auditors who shall report thereon as provided by section 45 of the Act. The auditors shall examine the books specified in Schedule I, Part I, and shall also have access to any other book or books kept by the office which shall be necessary for, or facilitate the examination and auditing of the accounts of the Administrator-General.

(iv) Any person who is summoned under the Act by an auditor shall be entitled to be paid his travelling and other reasonable expenses which upon being certified by the auditor shall be paid by the Administrator-General and debited to the estate concerned:

Provided that no expenses shall be incurred without first ascertaining them, and provided also that if such expenses are likely to exceed Rs. 50/- previous sanction of the State Government shall be necessary. Sanction of the State Government shall also be necessary together with an allotment of funds if the expenses under section 46 of the Act proposed to be incurred are in connection with the accounts of a closed estate or an insolvent estate or an estate which has no sufficient funds.

36. *Cost of audit:* The cost and other expenses in connection with the audit of the Administrator-General's accounts shall be paid by the various estates under his charge at the rate of eight annas per cent on the total value of the estates which shall be calculated

in the same way as under rule 26 for the purpose of section 42 of the Act. The audit fee shall be paid at the close of the audit on the value of assets realised during the half-year under audit, but no audit fee shall be debited to the accounts of the estate so as to leave a debit balance. At the time of closing the accounts of an estate the audit fee on the estimated value of the property not sold shall be reserved and shall be paid at the close of the following audit :

Provided that Government may reduce the percentage or the amount of the audit fee on a particular estate or estates in cases in which the audit has been unusually simple or may reduce or remit the audit fees were they would result in hardship to the heirs, legatee or creditors having regard to the circumstances of the case which may be brought to the notice of the Government by the Administrator-General :

Provided further that nothing contained in this rule shall affect the order of payment of administration expenses (which include audit fee) under the provision of law.

37. *Audit of accounts of Zamindaris, Jagirs and business:—* The Administrator General shall cause the local accounts of Zamindaris, and Jagir lands in his charge and the accounts of any business which is carried on by him on behalf of, and which belongs to any estate in his charge to be audited from time to time, either by chartered accountants or with the previous approval of the State Government by the auditors prescribed under section 44 of the Act as he may consider desirable. The whole of the expenses of such audit which shall be settled beforehand shall be paid by the estate on the completion of the audit. Such auditors shall be selected by the Administrator-General, unless the Government in any such case name the auditors who are to be employed.

38. *Fees under section 49:—*(a) No person shall be entitled to inspect the books or accounts of the Administrator General or make search for information in them or obtain copies of a document without satisfying the Administrator-General that he is interested in the administration of the estate :

Provided that nothing herein-before contained shall preclude the Administrator-General from refusing the inspection of or grant of copies of documents and papers of a confidential nature, and the decision of the Administrator-General in this respect shall be final.

(b) The following shall be the prescribed fees for the above purposes :—

- (1) For inspection of books, accounts and records of an estate
..... Rs. 4 per day.
- (2) For searches regarding estates which have been wound up or closed.....Rs. 5 per day.
- (3) For copies of a document or accounts of an estate or a certificate of an auditor—Four annas per 100 words subject to a minimum fees of Rs. 2 per document, account or certificate.
- (4) For production of paper, books etc., in Courts

Rs. 5 per day plus such travelling expenses of a clerk as the Administrator-General may fix if the books or papers are required at a Court outside Jaipur and Rs. 3 per day required at a Court at Jaipur :

Provided that the Administrator-General may on closing the accounts of an estate grant a copy of the accounts free of charge to an heir, legatee or any other person entitled to a share of the estate.

39. *Disposal of fees*:—All fees realised by the Administrator-General under rule 38 shall be brought to account in the commission Account Ledger in Form No. 6 and credited by him into the treasury every half-year on June 30th and December 31st.

40. *Credit of funds transferred under section 52*:—All securities, shares, debentures, stock and fixed deposits which are to be transferred under the provisions of section 52 of the Act, shall be converted in to ready money and these and all other funds transferred under the provisions of that section shall be paid to the account and credit of the State Government into the treasury and an intimation of such payment with particular thereof shall be forwarded to the Accountant General, Rajasthan. Where any such assets consists of immovable property the Administrator-General shall make a special report of the matter to the State Government and shall await such orders as may be given by State Government in respect of such assets.

41. *Prescribed authority under section 53*:—The Secretary to the State Government in the Judicial Department shall be the prescribed authority for the purposes of section 53 of the Act.

42. *Certain officers and authorities to report death, etc., to the District Magistrate*:—Every officer or local authority, upon whom or which the duty of registering deaths has been imposed by or under any law, shall upon receiving information of the death of any person to whom the Administrator-General's Act applies, report the fact of such death without delay to the District Magistrate together with the following particulars as far as they may be known to him or it :

(a) the amount and nature of the assets left by the deceased;

(b) whether or not the deceased left a will, and, if so, in whose custody it is; and

(c) the names and addresses of the surviving next-of-kin of the deceased.

43. *Burial or cremation to be reported to District Magistrate*:—Any person who performs the burial ceremony or cremation of a person to whom the Act applies shall report the burial or cremation without delay to the District Magistrate.

44. *District Magistrate to make enquiries and report death, etc., to the District Judge*:—Upon receiving any such report or upon receiving in any other manner information of the death of any person to whom the Administrator-General's Act applies the District

Magistrate shall forthwith report the death to the District Judge and shall cause to be made such further inquiry as necessary for the purpose of ascertaining the particulars specified in rule 41 and may direct the District Superintendent of Police to make any such inquiry. He shall report the results of such inquiry to the District Judge as soon as it is complete.

45. *Subjects of Foreign States*:—On receipt of notice of the death of any person who was, or whom the Administrator-General has reasons to suppose may have been the subject of any Foreign State to which the provisions of section 57 of the Act apply, the Administrator-General shall forthwith give notice of such death to the Consular Officer of such Foreign State at Delhi and shall inform the District Judge who has reported such death, of his having done so. In any such case the Administrator General shall take no steps to administer or in any way deal with such estate without the consent of such Consular Officer, or until he has expressed his intention of not moving in the matter.

SCHEDULE I

(See Rule 8)

PART I

1. *Cash Book*.—This book shall contain full particulars of all daily transactions whether in cash, shares or securities and shall be balanced at the close of each day and checked and signed in token of its correctness by the Administrator-General (Form No. 1).

2. *General Estate Accounts Ledger*.—This book shall contain separate and distinct accounts of each estate and shall show in detail every transaction whether in cash, securities or shares relating to each estate (Form No. 2).

3. *Register of unclaimed Assets*:—This book shall contain details of cash, shares, securities and other movable or immovable property which has not been claimed by the person or persons entitled thereto and as such transferred to this register at the close of the administration. It shall also show how the unclaimed assets have been disposed of (Form No. 3).

4. *Investment Register*.—This book shall contain particulars of all shares and securities of whatever nature received or purchased by the Administrator-General on account of each estate and specify where the documents are kept. It shall also show the date on which periodical interest or dividend is payable and the amount thereof together with the amounts and dates of interest or dividends realised during the course of administration and the manner in which the securities or shares have been disposed of (Form No. 4).

5. *Miscellaneous Ledger*:—This ledger shall contain entries of all petty amounts transferred from General Estates Accounts Ledger and other petty amount received whether on accounts of postage stamps or other miscellaneous charges and petty payments made therefrom (Form No. 5).

6. *Commission Account Ledger*.—This ledger shall contain particulars of all fees and commission realised by the Administrator-General and paid to the State Government (Form No. 6).

7. *Audit Fee Register*.—This register shall contain the particulars of every audit fee claimed by the Audit Department and the date on which it was paid by deposit into the treasury (Form No. 7).

8. *Receipt Book*.—This book shall contain in a yearly consecutive series particulars of sums of money received by the Administrator General in cash or by cheques or drafts or in the form of securities or shares. All entries in this book shall be initialled by the Administrator-General and in the case of cheques or drafts, the date of realisation and the sum realised shall be filled in due course (Form No. 8).

9. *Advance Register*.—This Register shall contain particulars of all advances made by the Administrator-General and how the same have been adjusted (Form No. 9).

10. *Demand and Collection Register of Rents*.—For watching the realisation of demands on account of rents a demands and collection register in form No. 10 shall be maintained.

Note:—All ledgers shall be posted up daily and closed half-yearly on June 30th and December 31st and the balance, if any, carried forward to new accounts.

PART II

11. *Administration Register*.—This book shall contain the following information:—

Date and place of death, date of grant, names and addresses of the heirs and legatees; if the deceased left a will, particulars of the publication of notice prescribed under rule 23 and the date on which the time expires and references to the general estates accounts ledger, investment register, register of reserved articles, register of immovable property and assets book. This book shall also indicate the manner in which the accounts of an estate have been wound up (Form No. 11).

12. *Assets and Liabilities Register*.—This book shall contain particulars of assets and liabilities in the following form:—

Assets:—

1. Serial Number.
2. Particulars of assets.
3. Date of information.
4. From whom information received.
5. Where the assets are.
6. Estimated amount or value of assets.
7. Date of realisation.
8. Amount received.
9. From whom assets received or realised.

10. Whether realised in full, if not the balance carried forward to item number.

11. Remarks.

Liabilities:—

1. Serial Number.
2. Particulars of liabilities.
3. Date of information received.
4. From whom information received.
5. To whom amount is due.
6. Estimated amount of liabilities.
7. Date of payment.
8. Amount paid.
9. To whom paid.
10. Whether paid in full or at what rate.

13. *Register of Reserved Articles:—*This book shall contain list of jewellery and a brief description of other articles received in the office of the Administrator-General and reserved from sale and the valuation of such property, if known. It shall also indicate the manner in which the movables have disposed of (Form No. 13).

14. *Register of immovable Property:—*This register shall contain full particulars of houses and other immovable property belonging to an estate (Form No. 14).

15. *Certificate Book:—*This book shall be kept in counterfoils and the counterfoil shall be a facsimile of the certificate issued under sections 31 and 32 (Form No. 15 and 16).

16. *Zamindari Accounts:—*The account of any zamindari appertaining to or to jagir lands of any estate and all books and documents in connection therewith shall be in the forms prescribed for the time being and in use by the Court of Wards.

FORM NO. 1
Cash Book

| Dr..... | | | | | | | | | | Cr..... | | | | | | | | | |
|---------|-------------|--------------------|--------|-------------|------|--|--------|-----------------------|------|----------------------|--------|-------------|------------|--------|--------|-----------------------|--|--|--|
| Date | Receipt No. | Ledger No. & folio | Estate | Particulars | Cash | Realised by bank or remitted to treasury | Shares | Government securities | Date | Ledger No. and folio | Estate | Particulars | Cheque No. | Amount | Shares | Government securities | | | |
| | | | | | Rs. | Rs. | Rs. | Rs. | | | | | | Rs. | | Rs. | | | |

FORM NO. 2
GENERAL ESTATE ACCOUNT LEDGER

| Dr..... | | | | | Estate..... | | | | | Cr..... | | | | |
|---------|------------|-------------|--------|-----------------------|-------------|---------|------|------------|-------------|---------|-----------------------|--------|---------|--|
| Date | Cash folio | Particulars | Shares | Government securities | Amount | Remarks | Date | Cash folio | Particulars | Shares | Government securities | Amount | Remarks | |
| | | | Rs. | Rs. | Rs. | | | | | Rs. | Rs. | Rs. | | |

FORM NO. 3 REGISTER OF UNCLAIMED ASSETS

| Dr | | | | | | | | | | Estate | | | | | | | | | | Cr | | | | | | | | | |
|------------------|--|----------------------|--|-------------------------------------|--|-----------------------|--|-------|---------------------------------|------------------|--------------------|---------|--|------------------|--|-----------------|--|---------------------------|--|---|--|-------|---------------------------------|------------------|--------------------|---------|--|--|--|
| Date of transfer | | Ledger No. and folio | | To whom payable and on what account | | Particulars of assets | | Value | | | | Remarks | | Date of disposal | | Cash Book folio | | To whom paid or delivered | | Particulars of assets paid or delivered | | Value | | | | Remarks | | | |
| | | | | | | | | Cash | Government securities or shares | Movable property | Immovable property | | | | | | | | | | | Cash | Government securities or shares | Movable property | Immovable property | | | | |
| | | | | | | | | Rs. | Rs. | Rs. | Rs. | | | | | | | | | | | Rs. | Rs. | Rs. | Rs. | | | | |

FORM NO. 4

Investment Register

| Estate | | | | | | | | | | Remarks. | |
|--------------|-------------------------------------|------------|------------|--|--------|--|--------------------------|--|--|----------|--|
| Date | Particulars of shares or securities | Face value | Where kept | Date on which interest or dividend falls due | Amount | Date of realisation of interest and amount | When and how disposed of | | | | |
| | | Rs. | | | Rs. | | | | | | |

FORM NO. 5

Miscellaneous Ledger.

| Date of receipt | Particulars of receipt | Amount | Date of payment | Particulars of charges | Amount | Remarks |
|-----------------|------------------------|--------|-----------------|------------------------|--------|---------|
| | | Rs. | | | Rs. | |

FORM NO. 6
Commission Account Ledger.

| Date | Ledger No. and folio | Name of estate from which realised | Amount realised | Remarks | Remitted to treasury | | |
|------|----------------------|------------------------------------|-----------------|---------|----------------------|----------------|--------|
| | | | | | Date | No. of Challan | Amount |
| | | | Rs. | | | | Rs. |

FORM NO. 7
Audit Fee-Register.

| Date | Ledger No. and folio | Name of estate from which realised | Amount realised | Remarks | Remitted to treasury | | |
|------|----------------------|------------------------------------|-----------------|---------|----------------------|----------------|--------|
| | | | | | Date | No. of Challan | Amount |
| | | | | | | | |

FORM NO. 8
Receipt Book.

| No. | Date | For what estate | From whom received | Particulars | Cash | Government Promissory Notes | Bank shares and other securities | Initials of Administrator General | Entry in folio | Cash book date |
|-----|------|-----------------|--------------------|-------------|------|-----------------------------|----------------------------------|-----------------------------------|----------------|----------------|
| | | | | | | | | | | |
| | | | | | | | | | | |
| | | | | | | | Rs. | | | |

FORM NO. 9

Advance Register.

Estate.....

| Date | To whom advanced | On what account | Amount advanced | Date when adjusted | Remarks |
|------|------------------|-----------------|-----------------|--------------------|---------|
| | | | | | |
| | | | Rs. | | |

FORM NO. 10

Demand and Collection Register of Rents

Estate.....

| Serial No. | Connecting reference | No. and address of tenant | Particulars | Demand | | Date of payment | Number of receipts | Collection | | Remission | Balance | Remarks |
|------------|----------------------|---------------------------|-------------|----------|--------|-----------------|--------------------|----------------------|--------|-----------|---------|---------|
| | | | | Curr-ent | Arrear | | | Period of instalment | Amount | | | |
| | | | | Rs. | Rs. | Rs. | | | Rs. | Rs. | Rs. | |

FORM NO. 11

Administration Register.

(1) Serial No..... (2) Full name and profession of the deceased..... Estate.....
 of death..... (4) Date of grant and number of Letters of Administration or Probate..... (3) Date and place
 (5) Names and addresses of heirs and legatees..... (6) Date and brief description of will, if any.....
 (7) Particulars of the publication of notice, if any, for creditors and heirs, etc..... (8) Date on which
 the period of notice expires..... (9) Reference to General Estate Account Ledger.....
 (10) Reference to Investment Register..... (11) Reference to Register of Reserved Articles.....
 (12) Reference to Register of Immovable Property... .. (13) Reference to Assets Book
 (14) Brief remarks as to how the administration has been wound up.....

FORM NO. 12
Assets and Liabilities Register.

[illegible]

FORM NO. 13

| Register of Reserved Articles | | | | | | Estate..... | |
|-------------------------------|-------------------------|-----|-----------------------------|-----------------------------------|------------------|-------------------|---------|
| Date | Description of articles | No. | Approximate value, if known | Initials of Administrator General | Date of disposal | To whom delivered | Remarks |
| | | | Rs. | | | | |

FORM NO. 14

| Register of Immovable Property. | | | | | | | Estate..... | |
|---------------------------------|-------------------------|----------------|------|-----------------------|---------------------|------------------|--------------------|---------|
| Serial No. | Description of Property | Where situated | Area | Boundary or House No. | Annual rental value | Date of disposal | Manner of disposal | Remarks |
| | | | | | Rs. | | | |

FORM NO. 15

No. of 19

*Office of the Administrator-General of Rajasthan.
Certificate under Section 31 of Act III of 1913.*

Fees paid Rs.

In the goods of late.

The Administrator-General of Rajasthan hereby maketh known that on the day of one thousand nine hundred and the last Will and Testament bearing date the day of one thousand and nine hundred and of late of who, as appears from the affidavit filed herein, died at on the day of one thousand nine hundred and (a copy of the said will is hereto annexed) was proved before him and he hereby grants this certificate under section 31 of Act III of 1913 to of as The said by virtue hereof is entitled to receive, realise and deal with the assets hereunder mentioned, left by the said deceased and the said undertakes to administer the estate of the said deceased in accordance with law. The said assets as appear from the said affidavit filed herein did not exceed in value, at the date of the death of the said deceased, Rs. Dated This day of 19...

Administrator General State of Rajasthan.

Particulars of assets.

.....
Administrator General, State of Rajasthan:

FORM NO. 16.

No. of 19

*Office of the Administrator-General, Rajasthan.
Certificate under Section 31 of Act III of 1913.*

Fees paid Rs.

In the goods of Late.

The Administrator-General of Rajasthan hereby maketh known that in pursuance of Section 31, Act III of 1913, he hereby grants this Certificate in the goods of the deceased above named who, as appears from the affidavit filed herein, died intestate on the day of one thousand nine hundred and to residing at as of the deceased above-named. This said by virtue hereof is entitled to receive, realise and deal with the assets hereunder mentioned, left by the said deceased and the said undertakes to administer the estate of the said deceased in accordance with law. The said assets, as appear from the said affidavit filed herein did not exceed in value at the date of death of the said deceased Rs.

Dated this day of 19

Administrator-General, State of Rajasthan.

Particulars of assets.

.....
Administrator-General, State of Rajasthan.

SCHEDULE II

(See Rule 17)

Report on Estates dealt with, during the year ending.....19 /
 (Excluding estates previously included in reports)

| Name of estate | Date of death | Intestate or testate | Date of grant | Date of taking charge under section 32 | Date of certificate, if any | Approximate amount of assets | Approximate amount of liabilities | Amount of commission earned during the year under report | Remarks showing manners of disposal |
|----------------|---------------|----------------------|---------------|--|-----------------------------|------------------------------|-----------------------------------|--|-------------------------------------|
| | | | | | | Rs. | Rs. | Rs. | |

SCHEDULE III

(See Rule 21)

Notice to claimants.

Estate.....deceased.....

The Administrator-General of Rajasthan hereby gives notice that he is administering in his official capacity the estate of late of.... who died at on and that all persons having claims against the said estates as creditors, heirs, next-of-kins, legatees or in any other manner whatsoever, should prefer their claims to the said Administrator General, on or before the after which date he will proceed to make payments to creditors and distribution of the surplus assets of the said estate among persons as may be found entitled thereto. He will recognise in making such payments and distribution only such claims as shall have previously been established to his satisfaction and admitted by him.

Administrator-General, State of Rajasthan.

Jaipur.....19

SCHEDULE IV

(See Rule 25)

I Capital Fees.

(a) Fees payable in cases where the Administrator-General has obtained Probate or Letters of Administration-A Fee of 5 per cent on the gross value of assets taken possession of or realised with a minimum of Rs. 15/-

(b) Fees payable in cases where the Administrator-General has taken charge of an estate under section 25, section 32, or any other section of the Act—A fee of 5 per cent on all assets taken possession of or realised with a minimum fee of Rs. 20/-

(c) Fees payable in cases where the Administrator-General in charge under an order made under section 11 of the Act—A fee of 2 per cent on the value of assets taken possession of collected, realised or sold with a minimum fee of Rs. 10/-

(d) Fees payable in cases where the Administrator-General has granted certificate under section 31 or 32 of the Act—

- (1) If the assets do not exceed Rs. 200/- A fee of Rs. 5/-
- (2) If the assets exceed Rs 200/- but do not exceed Rs. 400/-
A fee of Rs. 10/-
- (3) If the assets exceed Rs. 400/-, but do not exceed Rs. 600/-,
A fee of Rs 15/-
- (4) If the assets exceed Rs. 600/-, but do not exceed Rs. 800/-,
A fee of Rs. 20/-
- (5) If the assets exceed Rs 800/- but do not exceed Rs. 1,000/-,
A fee of Rs. 25/-
- (6) If the assets exceed Rs. 1,000/-, but do not exceed 1,200/-,
A fee of Rs. 30/-
- (7) If the assets exceed Rs. 1,200/-, but do not exceed
Rs. 1,400/-, A fee of Rs. 35/-
- (8) If the assets exceed Rs. 1,400/-, but do not exceed Rs.
1,600/-, A fee of Rs. 40/-
- (9) If the assets exceed Rs. 1,600/-, but do not exceed Rs.
1,800/-, A fee of Rs. 45/-
- (10) If the assets exceed Rs. 1,800/-, but do not exceed Rs.
2000/- A fee of Rs. 50/-

II Income Fees.

(e) Fees payable in respect of all estates under administration by the Administrator-General.

The fees payable and chargeable in respect of income realised and dealt with in due course of administration shall be as follows;—

In respect of income, whether arising out of movable or immovable property—A fee of 5 per cent on all income as and when realised.

By Order of

His Highness the Rajpramukh
PRABHU DAYAL LOIWAL
Secretary to the Government.

Notifications under

ADMINISTRATOR-GENERALS ACT, 1913.

Published in Rajasthan Raj-patra part I (a) dated Feb. 5, 1959 at page 358

Law & Judicial Department (C)

NOTIFICATION

Jaipur, December 12, 1958.

No. F. 13 (a) (1) LJ/C/57.—In exercise of the powers conferred by section 3 of the Administrator Generals' Act, 1913 (Central Act No. III of 1913), and section 4 of the Official Trustees Act, 1913 (Central Act No. II of 1913), the Governor is pleased to appoint, in modification of Judicial Department Notification No. 6900/F. 18 (4) Jud/55, dated 27-10-1955 Shri Avadh Beharilal, Advocate, to be the Administrator General and Official Trustee for the new State of Rajasthan (including Ajmer, Abu and Sunel aréars) with immediate effect.

The appointment is on the existing terms and will be for the period ending the 28th February, 1959.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

Notifications under

ADMINISTRATOR GENERALS ACT, 1913.

Published in Rajasthan Raj patra part I (a) dated June 4, 1959 at page 72

Law & Judicial Department (C)

NOTIFICATION

Jaipur, April 28, 1959.

*Subject:—*Extension in the term of Appointment of Shri Avadh Beharilal, Administrator General and Official Trustee, Rajasthan, Jaipur,

No. D. 5083/F. 13 (a) LJC/57.—In exercise of the powers conferred by section 3 of the Administrator General's Act, 1913 (Central Act No. III of 1913), and section 4 of the Official Trustees Act, 1913 (Central Act II of 1913) and in continuation of this Department Notification No. F. 13 (a) (1) LJC/57, dated the 12th December, 1958, the State Government is pleased to extend the term of appointment of Shri Avadh Beharilal, Administrator General and Official Trustee, Rajasthan, Jaipur for the period ending on the 29 Feb., 1960 on the existing terms and conditions.

By Order of the Governor,
PRABHU DAYAL LOIWAL,
Secretary to the Government.

Rules and Notifications under
ADVOCATES ACT, 1961.

The Bar Council (First Constitution) Rules, 1961.

RAJASTHAN HIGH COURT, JODHPUR

NOTIFICATION

Jaipur, August 16, 1961.

No. 3/S.R.O.—In exercise of the powers conferred by section 57 of the Advocates Act, 1961 (25 of 1961), the High Court of Judicature for Rajasthan hereby makes the following rules;—

1. *Short title.*—These Rules may be called the Rajasthan Bar Council (First Constitution) Rules, 1961.

2. *Definitions.*—In these Rules, unless the context otherwise requires—

- (i) "Act" means the Advocates Act, 1961;
- (ii) "Advocate-General" means the Advocate-General for the State;
- (iii) "Bar Council" means the Bar Council for the State;
- (iv) "Chairman" means the Chairman of the Bar Council;
- (v) "continuing candidate" means any candidate not elected and not excluded from the poll at any given time;
- (vi) "count" means—
 - (a) all the operations involved in the counting of the first preferences recorded for candidates, or
 - (b) all the operations involved in the transfer of the surplus of an elected candidate, or
 - (c) all the operations involved in the transfer of the total value of votes of an excluded candidate;
- (vii) "exhausted paper" means a voting paper on which no further preference is recorded for a continuing candidate, and includes a voting power on which—
 - (a) the names of two or more candidates, whether continuing or not, are marked with the same figure and are next in order of preference; or
 - (b) the name of the candidate next in order of preference, whether continuing or not is marked by a figure not following consecutively after some other figure on the voting paper or by two or more figures;
- (viii) "first preference" means the figure "1" set opposite the name of a candidate; "second preference" means the figure "2" set opposite the name of a candidate; "third preference" means the figure "3" set opposite the name of a candidate, and so on;

- (ix) "original vote" in relation to any candidate, means a vote derived from a voting paper on which a first preference is recorded for such candidate;
- (x) "Secretary" means the Secretary to the Bar Council;
- (xi) "Surplus" means the number by which the value of the votes, original and transferred, of any candidate, exceeds the quota;
- (xii) "transferred vote", in relation to any candidate, means a vote the value or part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent preference is recorded for such candidate;
- (xiii) "unexhausted paper means a voting paper on which a further preference is recorded for a continuing candidate;
- (xiv) "voter" means any person entitled by virtue of section 53 of the Act to vote at the elections to the Bar Council to be constituted for the first time.

3. *Time and place of elections.*—Election of the members of the Bar Council shall be held at such place and on such day and during such hours as the Secretary may appoint.

4. *Notice of elections.*—(1) Notice of the time and place of election shall be given by publication in the Official Gazette over the signature of the Secretary upon a date not less than thirty days before the date of the election.

(2) Copies of such notice shall also be sent by the Secretary to the Advocate General and to the President of the Advocates' Association to be affixed as they may direct and may also be sent to other similar Associations, if any, in the different parts of the State.

5. *Candidates how to be proposed.*—Every candidate for election as a member of the Bar Council shall be proposed by ten votes by letter addressed to the secretary and signed by each such voter and delivered to the Secretary not less than fifteen and not more than thirty days before the date of the election.

6. *Doubts as to validity of proposals.*—(1) The Secretary may submit to the Advocate General any proposal as to the validity of which he may have any doubt and, subject to the provisions of rule 26, the decision of the Advocate-General shall be final.

(2) In the event of the Advocate-General deciding that proposal is invalid, the fact shall be notified forthwith to the candidate by the Secretary and the candidate may thereupon submit another proposal within the time prescribed by rule 5.

7. *Withdrawal from election.*—Any person whose name has been proposed as a candidate may withdraw his name by communication in writing so as to reach the Secretary not later than ten

days before the date of the election, and thereupon his name shall be omitted from the list of candidates.

8. *Declaration when number of candidates equal to number of seats*—When the number of candidates duly proposed is equal to the number of seats to be filled, the Secretary shall declare the candidates as having been duly elected.

9. *Publication of list of candidates*.—Not less than ten days before the date fixed for election, the Secretary shall cause the names of all the candidates duly proposed to be pasted on a notice board in the High Court and the District Courts and shall send lists of the said names to the Advocate-General and may send such lists to the President of the Advocates Association to be affixed as they may direct and to other similar Associations, if any, in the different parts of the State.

10. *Preparation of lists of voters*—The Secretary shall—

- (i) prepare and maintain a list of voters consisting of the names of all the Advocates, vakils, pleaders and attorneys who, on the date of the election, are entitled as of right to practise in the High Court and or ordinarily practising within the State with their respective addresses; and
- (ii) upon the application of any such voter have his address altered in the manner specified in the application.

11. *Despatch of voting papers to mofussil voters*.—(1) Not less than seven days before the date fixed for election, the Secretary shall send by registered post to each voter who neither ordinarily resides nor ordinarily practises in the city of Jodhpur at the last address appearing in the list of voters prepared under rule 10, a voting paper bearing the names of all the candidates duly proposed and stating the number of members to be elected, together with an envelope for its return.

(2) The envelope referred to in sub-rule (1) shall be signed by the voter and his signatures shall be attested by a magistrate or a justice of the Peace a Judicial Officer or a Gazetted Officer of the State Government, and unless it is so signed and attested, no votes purporting to have been given shall be taken into account for the purposes of the election

(3) The voting paper shall be placed in a closed envelope and the same shall be placed in the envelope for return referred to in sub-rule (1) and shall be returned so as to reach the Secretary at or by the time fixed for the closing of the election.

(4) The Secretary on receipt of such envelope shall open it and place the envelope containing the voting paper in a sealed box.

12. *Conduct of election*.—Elections and all matters relating thereto for which provision is made in these Rules shall be conducted by the Secretary, and the Secretary may appoint any person or persons to assist him in the conduct thereof.

13. *Supply of voting papers.*—On the day and time and at the place appointed for the election, a voting paper bearing the names of all the candidates duly proposed and stating the number of members to be elected shall be handed over by the Secretary to each voter (other than a voter referred to in rule 11), who applies in person therefor.

14. *Second voting paper not to be issued.*—When a voting paper has been handed over to a voter under rule 13 or has been sent by a registered post under rule 11, a second voting paper shall not be issued to the voter unless he satisfied the Secretary that the voting paper has been spoilt or mutilated or lost or destroyed has not been received by him, in which case a duplicate voting paper may be issued to him.

15. *Method of voting.*—(1) Every voter shall have only one vote at the election irrespective of the number of seats to be filled.

(2) A voter in giving his vote—

(a) shall place on his voting paper the figure “1” in the space opposite the name of the candidate whom he chooses for his first preference: and

(b) may place on his voting paper the figure “2” or the figure “2” and “3” or the figure “2, 3 and 4”, and so on, in the space opposite the names of the other candidates in the order of his preference.

(3) A voting paper shall not be signed by a voter, and in the event of any erasures, obliterations or alterations in the voting paper or of the voting paper purporting to have been signed by the voter, the voting paper shall be deemed to have been defaced, and no votes purporting to have been given thereby shall be taken into account for the purpose of the election.

(4) The decision of the Advocate General whether a voting paper has or has not been defaced shall be final.

16. *Return of voting papers.*—A voter (other than a voter referred to in rule 11) shall after voting personally return the voting paper to the secretary who shall place it in the sealed box referred to in sub-rule (4) of rule 11.

17. *Voting papers when invalid.*—A voting paper shall be invalid on which—

(a) the figure “1” is not marked; or

(b) the figure “1” is set opposite the name of more than one candidate or is so placed as to render it doubtful to which candidate it is intended to apply; or

(c) the figure “1” and some other figures are set opposite the name of the same candidate; or

(d) there is any mark writing by which the voter can be identified.

18. *Arrangement of valid voting papers in parcel.*—After rejecting the voting papers which are invalid or which cannot be taken into account for the purposes of the election under these rules, the Secretary shall—

(a) arrange the remaining voting papers in parcel according to the first preference record for each candidate;

(b) count and record the number of papers in each parcel; and

(c) credit to each candidate the value of papers in his parcel;

19. *Ascertainment of quota* —Every voting paper shall be deemed to be of the value of one hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

(a) add the values credited for a candidate under clause (c) or rule 18;

(b) divide the total by a number which exceeds by one the number of seats to be filled; and

(c) add one to the quotient, ignoring the remainder, if any; the resulting number is the quota.

20. *Candidates with quota elected* —If any at the end of any count or at the end of the transfer of any parcel or sub parcel of an excluded candidate the value of voting papers credited to that candidate is equal to or greater than the quota, that candidate shall be declared elected.

21. *Transfer of surplus* —(1) If at the end of any count, the value of the voting paper credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidate indicated on the voting papers of that candidate as being next in order of the voter's preference.

(2) If more than one candidate have a surplus the largest surplus shall be dealt with first and the other in order of magnitude:

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate, and the candidate for whom more original votes are recorded shall have his surplus first distributed, and if the value of the original votes is equal, the Secretary shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises on the original votes only, the Secretary shall examine all the papers in the poll belonging to that candidate, divide the unexhausted papers

into sub-parcels according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) The Secretary shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, the Secretary shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted paper is greater than the surplus, the Secretary shall transfer the sub-parcels of the unexhausted papers and the value at which each paper shall be transferred shall be ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Secretary shall re-examine all the papers in the sub-parcels last transferred to the candidate, divide the unexhausted papers into sub-parcels according to the next preferences recorded thereon, and then deal with the sub-parcel in the same manner as is provided in the case of sub-parcels referred to in sub-rule (4).

(6) The papers transferred to each candidate shall be added in the form of a sub-parcel to the papers already belonging to such candidate.

(7) All papers in the parcel or sub-parcel of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

22. *Exclusion of candidates lowest on the poll* — (1) If, after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Secretary shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon, and all exhausted papers shall be set apart as finally dealt with.

(2) The papers containing original votes of an excluded candidate shall first be transferred, the transfer value of each paper being one hundred.

(3) The papers containing transferred votes of an excluded candidate shall then be transferred in the order of the transfers in which, and at the value at which, he obtained them.

(4) Each of such transfers shall be deemed to be a separate transfer, but not a separate count.

(5) If, as a result of the transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed, but no further papers shall be transferred to him.

(6) The process directed by this rule shall be repeated on the successive exclusions one after another of the candidate lowest on the poll until such seat is filled either by the election of a candidate with the quota or as herein after provided

(7) If at any time it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom lowest original votes are recorded shall be excluded; and if the values of their original votes are equal, the candidate with the smallest value at the earliest count at which these candidate had unequal values shall be excluded.

(8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Secretary shall decide by lot which candidate shall be excluded.

23. *Filling last vacancies.*—(1) When at the end of any count the number of continuing candidates is reduced to the number of seats remaining unfilled, the continuing candidates shall be declared elected.

(2) When at the end of any count only one seat remaining unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all the other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.

(3) When at the end of any count only one seat remains unfilled, and there are only two continuing candidates and each of them has the same value of votes and no surplus papers can be transferred, the Secretary shall decide by lot which of them shall be excluded, and after excluding him in the manner aforesaid declare the other candidate to be elected.

24. *Fractions etc. to be disregarded.*—In carrying out the provisions of rules 20 to 23, the Secretary shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from the poll.

24.A. *Illustration of the procedure as to the counting of votes*—An illustration of the procedure as to the counting of votes in accordance with the above rules is given in the Schedule to these Rules.

25. *Determination of result and publication thereof.*—(1) Upon the completion of count, a list of the candidates elected to the Bar Council shall be prepared and signed by the Secretary and submitted by him to the Advocate-General who shall certify the same by his signature.

(2) After such certificate, a copy of the list shall be published in the Official Gazette and shall also be sent to the Advocate General.

ral and to the President of the Advocates' Association to be affixed as they may direct and may also be sent to other similar associations if any, in the different parts of the State.

(3) On the publication of the list in the Official Gazette, the persons whose names appear in the list shall be deemed to have been declared as elected.

26. *Disputes as to validity of election.*—(1) A candidate may contest the validity of the election of a candidate declared to have been elected to the Bar Council by a letter signed by him and addressed to the Secretary.

(2) Such letter shall state the grounds on which the validity of the election is contested and shall be delivered to the Secretary within seven days of the date of publication in the Official Gazette of the list under rule 25.

(3) The Secretary shall on receipt of any such letter refer the dispute arising therefrom to the authority specified in rule 28 for decision.

(4) Subject to the other provisions contained in this rule, after the expiry of seven days from the date of such publication, the validity of the election of a candidate shall not be contested on any ground whatsoever.

27. *Finality of election.*—At the expiry of twenty-one days from the date of publication aforesaid of the list, the election shall be final and the voting papers shall be destroyed:

Provided that where the validity of an election has been challenged under rule 26, the voting papers shall be preserved and dealt with, as the authority specified in rule 28 may direct.

28. *Determination of election disputes.*—(1) Any dispute arising under rule 26 shall be decided by the Chief Justice or any other Judge of the High Court nominated by the Chief Justice, and for the purpose of deciding the disputes the Chief Justice or such other Judge may hold such enquiry into the matter and in such manner as he may deem fit.

(2) The decision of the Chief Justice or such other Judge shall be final.

29. *Invalid election.*—If the Chief Justice or such other Judge decides that a candidate has not been validly elected, the vacant seat on the Bar Council shall be filled as hereinafter provided in the case of a casual vacancy.

30. *Filling of casual vacancy.*—Any casual vacancy among the elected members of the Bar Council shall be filled in such manner as the Bar Council may determine.

31. *Election of Chairman and Vice-Chairman.*—The Bar Council shall as soon as may be after it is constituted elect a Chairman and Vice-Chairman from among its members.

32. *Secretary and Treasurer.*—The Bar Council shall appoint a Secretary and may, if it thinks fit to do so, appoint also an accountant.

33. *Quorum.*—The quorum for any meeting of the Bar Council shall be nine.

34. *Decisions of the Bar Council.*—(1) The decisions of the Bar Council shall be by a majority of votes of the persons present at any meeting.

(2) Each member present shall have one vote and the Chairman of the meeting shall have a casting vote.

35. *Transitional provisions* —(1) Until a Chairman is elected to the Bar Council, the functions of the Chairman shall be performed by the Advocate-General.

(2) Until a Secretary is appointed by the Bar Council, the functions of the Secretary shall be performed by the Registrar of the High Court.

By Order of the Court,
ROOP SINGH,
Registrar.

SCHEDULE

(See Rule 24 A)

Illustration of the procedure as to the counting of votes at, and the declaration of the result of an election conducted on the system of the single transferable vote.

Assume that there are seven members to be elected, sixteen candidates, and one hundred and forty electors.

The valid ballot papers are arranged in separate parcels according to the first preference recorded for each candidate, and the papers in each parcel counted.

Let it be assume that the result is as follows:—

| | | |
|---|---------|----|
| A | ..... | 12 |
| B | ..... | 8 |
| C | ..... | 6 |
| D | .... .. | 9 |
| E | ..... | 10 |
| F | ..... | 7 |
| G | ..... | 4 |
| H | ... .. | 14 |
| I | ..... | 13 |
| J | ..... | 5 |

| | | |
|-------|-------|-----------------|
| K | ..... | 14 |
| L | ..... | 8 |
| M | ..... | 10 |
| N | ..... | 6 |
| O | ..... | 4 |
| P | ..... | 5 |
| Total | | <hr/> 140 <hr/> |

Each valid ballot paper is deemed to be of the value of one hundred and the values of the votes obtained by the respective candidates are as shown in the first column of the result sheet.

The values of all the papers are added together and the total 14,000 is divided by eight (i.e., the number which exceeds by one the number of vacancies to be filled) and 1,751 (i.e. the quotient 1,750 increased by one) is the number sufficient to secure the return of a member and is called the quota.

The operation may be shown thus:—

$$\text{Quota} = \frac{14,000+1}{8} = 1,750+1 = 1,751$$

The candidate H, the value of whose votes exceeds the quota, is declared elected.

As the value of the papers in H's parcel exceeds the quota, his surplus must be transferred. His surplus is 149, i.e., 1,900 less 1,751.

The surplus arises from original votes, and therefore, the whole of H's papers are divided into sub-parcels according to the next preferences recorded thereon, a separate parcel of the exhausted papers being also made. Let it be assumed that the result is as follows:—

| | <i>Papers</i> |
|---|----------------|
| B is marked as next available preference on | 7 |
| D is marked as next available preference on | 4 |
| E is marked as next available preference on | 4 |
| F is marked as next available preference on | 3 |
| Total of unexhausted papers | <hr/> 18 |
| No. of unexhausted papers | 1 |
| Total papers | <hr/> 19 <hr/> |

The values of the papers in the sub-parcels are as follows:—

| | | |
|------------------------------------|------|-------|
| B | .... | 700 |
| D | .... | 400 |
| E | .... | 400 |
| F | .... | 300 |
| | | <hr/> |
| Total value of unexhausted papers. | | 1800 |
| Value of exhausted papers. | | 100 |
| | | <hr/> |
| Total value | | 1900 |
| | | <hr/> |

The value of the unexhausted papers is 1900 and is greater than the surplus. This surplus, is, therefore, transferred as follows:

All the unexhausted papers are transferred, but at a reduced value, which is ascertained by dividing the surplus by the number of unexhausted papers.

The reduced value of all the papers, when added together, with the addition of any value lost as the result of the neglect fractions, equals the surplus. In this case the new value of each paper transferred is

149 (the surplus)

18 (the number of unexhausted papers.

the residue of the value of each paper ($100 - 8 = 92$), being the required by H for the purpose of constituting his quota, i.e., one exhausted paper (value 100, plus the value (1,656) of 18 unexhausted papers.

These values of the sub-parcels transferred are:—

B=56 (i.e., seven papers at the value of 8);

D=32 (i.e., four papers at the value of 8);

E=32 (i.e., four papers at the value of 8);

F=24 (i.e., three papers at the value of 8);

These operations can be shown on a transfer sheet as follows:—

Transfer Sheet

| | |
|--|-------|
| Value of surplus (H's) to be transferred | 149 |
| Number of papers in (H's) parcel | 19 |
| Value of each paper in parcel. | 100 |
| Number of unexhausted papers. | 18 |
| Value of unexhausted papers. | 1,800 |
| New value of each paper transferred | |

Surplus

| | |
|------------------------------|-----------------------|
| Number of unexhausted papers | $\frac{149}{18} = 18$ |
|------------------------------|-----------------------|

| Names of candidates marked as the next available preferences. | | | | Number of papers to be transferred | Value of sub- parcel to be transferred. |
|---|------|--|--|------------------------------------|--|
| B | .... |  |  | 7 | 56 |
| D | .... |  |  | 4 | 32 |
| E | .... |  |  | 4 | 32 |
| F | .... |  |  | 3 | 24 |
| Total | | | | 18 | 144 |
| Number of exhausted papers.... | | | | 1 | .... |
| Less of value owing to neglect of fractions. | | | | 1 | 5 |
| Total | | | | -19 | 149 |

The values of the sub-parcels are added to the values of the votes already credited to the candidates, B,D,E, and F. This operation is shown on the result sheet.

There being no further surplus, the candidate lowest on the poll has now to be excluded. G & O both have 400.

The Returning Officer casts lots and G is chosen to be excluded.

Being original votes G's papers are transferred at the value of 100 each. A who was marked as next preference on two papers receives 200, while D and E, were each next preference on one paper and receiving 100 each. O now being lowest is next excluded and his 400 is similarly transferred to L, B and K, L receiving 200 and B and K 100 each.

This leaves J and P lowest with 500 each and J is chosen by lot for exclusion first. His papers are transferred at the value of 100 each to A, B, D and I the three first named receiving 100 each, and I who had the next preference on two papers receiving 200. P is then excluded and his papers are transferred to E, L and K, the two first named receiving 100 each, and K, who had the next preference on the three papers, receiving 200.

K now exceeds the quota and is declared elected.

Prior to further exclusion, K's surplus of 49 has to be distributed.

The sub-parcel last transferred to K consisted of 3 votes transferred at the value of 100 each. This sub-parcel is examined; there are no exhausted papers and B, F and I each next preference on one paper and one paper is transferred to each of them at a reduced

value determined by dividing the surplus (49) by the number of unexhausted papers (3). B, F and I accordingly receive 16 each.

The process of exclusion is now proceeded with.

C and N have 600 each, and U is chosen by lot for exclusion first. He has 6 original votes; B, D and E are each next preference on two papers, and each receives 200. N is then excluded; A is next preference on 3 of his papers, and receives 300; F, I and L are each next preference on one paper and receive 100 each.

This brings A and I above the quota and they are declared elected. Their surpluses have now to be distributed and I's surplus which is the larger, 65, is dealt with first.

The last sub-parcel transferred to I consisted of one paper transferred at the value of 1000, D is next preference on this paper, and receives the whole surplus of 65.

A's surplus of 49 is then dealt with. The last sub-parcel transferred to him consisted of 3 papers transferred at the value of 100 each. B was next preference on two of these papers and E on one, and the papers are transferred accordingly. The value to be transferred is 16 per paper, i.e., the surplus (49) divided by the number of the unexhausted (3). B accordingly receives 32 and E 16.

No other candidate having reached the quota, the process of exclusion is proceeded with, and F, who is now lowest with 840 is excluded.

His seven original votes are transferred first. B, D and E are next preference on three, two and two papers respectively, and receive respectively 300, 200 and 200.

The transferred votes are next transferred in the order of their transferes to F. The 3 votes received at the value of eight each at the distribution of H's surplus are transferred at the same value to L who was next preference on all 3 papers. The vote valued at sixteen received by F at the distribution of K's surplus, goes at the same value of M, who was next preference on that paper. The vote transferred at the value of 100 on the exclusion of N is then transferred at the same value to D, who thus received a total of 300.

No continuing candidate having yet reached the surplus, N, who is now lowest with 1,016 is excluded.

His ten original votes are transferred first. B and D are first preference on three papers each, and E and L on two each. B and D accordingly receive 300 each, and E and L 200 each. This brings B, D and E above the quota, and they are declared elected. The requisite number of candidates having now been elected the election is at an end, it is unnecessary to proceed to the transfer of M's transferred votes.

Full details are shown in the result sheet.

$$\text{Quota} = \frac{14,000 + 1}{8} = 1,751$$

Value of votes 14,000

| Name of candidates | Value of votes at first Count. | Distribution of H's Surplus. | Result | Distribution of votes of G and O | Result | Distribution of votes of J and P | Result | Distribution of K's surplus |
|--------------------|--------------------------------|------------------------------|--------|----------------------------------|--------|----------------------------------|--------|-----------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| A | 1,200 | ... | 1,200 | +200 | 1,400 | +100 | 1,500 | ... |
| B | 800 | +56 | 856 | +100 | 956 | +100 | 1,056 | +16 |
| C | 600 | ... | 600 | .. | 600 | ... | 600 | ... |
| D | 900 | +32 | 932 | +100 | 1,032 | +100 | 1,132 | ... |
| E | 1,000 | +32 | 1,032 | +100 | 1,132 | +100 | 1,232 | ... |
| F | 700 | +24 | 724 | ... | 724 | ... | 724 | +16 |
| G | 400 | ... | 400 | -400 | ... | ... | ... | ... |
| H | 1,900 | -149 | 1,751 | ... | 1,751 | ... | 1,751 | ... |
| I | 1,300 | ... | 1,300 | +200 | 1,500 | +200 | 1,700 | +16 |
| J | 500 | ... | 500 | ... | 500 | -500 | ... | ... |
| K | 1,400 | ... | 1,400 | +100 | 1,500 | +300 | 1,800 | -49 |
| L | 800 | ... | 800 | ... | 800 | +100 | 900 | ... |
| M | 1,000 | ... | 1,000 | ... | 1,000 | ... | 1,000 | ... |
| N | 600 | ... | 600 | ... | 500 | ... | 600 | ... |
| O | 400 | ... | 400 | -400 | ... | ... | ... | ... |
| P | 500 | ... | 500 | ... | 500 | -500 | ... | ... |

Loss of value of
by neglect of frac-
tions.

| | | | | | | | | |
|-------|--------|-----|--------|-----|--------|-----|--------|-----|
| Total | 14,000 | +5 | 5 | ... | 5 | ... | 5 | +1 |
| | | ... | 14,000 | ... | 14,000 | ... | 14,000 | ... |

RESULT SHEET—(Contd.)

$$\text{Quota} = \frac{14,000 + 1=1,751}{8}$$

Value of votes 14,000

| Result | Distribution of votes of C and N | Result | Distribution of surplus of I and A | Result | Distribution of F's votes | Result | Distribution of M's votes | Result | Result of Election |
|--------|----------------------------------|--------|------------------------------------|--------|---------------------------|--------|---------------------------|--------|--------------------|
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| 1,500 | +300 | 1,800 | —49 | 1,751 | ... | 1,751 | ... | 1,751 | Elected |
| 1,072 | +200 | 1,272 | +32 | 1,304 | +300 | 1,604 | +300 | 1,904 | Elected |
| 600 | —600 | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| 1,132 | +200 | 1,332 | +65 | 1,397 | +300 | 1,697 | +300 | 1,997 | Elected |
| 1,232 | +200 | 1,432 | +16 | 1,448 | +200 | 1,648 | +200 | 1,848 | Elected |
| 740 | +100 | 840 | ... | 840 | —840 | ... | ... | ... | Not Elected |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| 1,751 | ... | 1,751 | ... | 1,751 | ... | 1,751 | ... | 1,751 | Elected |
| 1,716 | +100 | 1,816 | —65 | 1,751 | ... | 1,751 | ... | 1,751 | Elected |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| 1,751 | ... | 1,751 | ... | 1,751 | ... | 1,751 | ... | 1,751 | Elected |
| 900 | +100 | 1,000 | ... | 1,000 | +24 | 1,024 | +200 | 1,224 | Not Elected |
| 1,000 | ... | 1,000 | ... | 1,000 | +16 | 1,016 | —1,000 | +16 | Not Elected |
| 600 | —600 | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| ... | ... | ... | ... | ... | ... | ... | ... | ... | Not Elected |
| 6 | ... | 6 | +1 | 7 | ... | 7 | ... | 7 | ... |
| 14,000 | ... | 14,000 | ... | 14,000 | ... | 14,000 | ... | 14,000 | ... |

Bar Council of Rajasthan (Election & Constitution Rules.

Rules framed by the Bar Council of Rajasthan, Jodhpur under clauses (a), (c), (d), (e), and (f) of section 15 of the Advocates Act, 1961.

BAR COUNCIL OF RAJASTHAN, JODHPUR.

RULES. CHAPTER I

In exercise of the powers conferred by clauses (a), (c), (d), (e), (f) of Section 15 of the Advocates Act, 1961 (Act No. XXV of 1961), the Bar Council of Rajasthan, Jodhpur makes the following rules:—

1. Short Title:—These Rules may be called the Bar Council of Rajasthan (Election & Constitution) Rules.
2. Definitions:—In these Rules, unless the context otherwise requires:—
 - (i) "Act" means the Advocates Act, 1961.
 - (ii) "Advocate General" means the Advocate General of the State of Rajasthan.
 - (iii) "Bar Council" means the Bar Council of Rajasthan or Rajasthan Bar Council.
 - (iv) "Chairman" means the Chairman of the Bar Council of Rajasthan.
 - (v) "Continuing Candidate" means any candidate not elected and not excluded from the poll at any given time.
 - (vi) "Count" means and includes—
 - (a) all the operations involved in the counting of the first preferences recorded for candidates, and
 - (b) all the operations involved in the transfer of the surplus of an elected candidate, and
 - (c) all the operations involved in the transfer of the total value of votes of an excluded candidate.
 - (vii) "Exhausted Paper" means a voting paper on which no further preference is recorded for a continuing candidate and includes a voting paper on which—
 - * (a) the names of two or more candidates, whether continuing or not, are marked with the same number and are next in order of preference; or
 - * (b) the names of candidates next in order of preference whether continuing or not, is marked by a number not following

* Substituted vide Resolution No: 432/1963 dated 19/20th October, 1963 of the Bar Council of India

Rules 1 to 31 are effective from 30th May, 1963 and Rule No. 32 if effective from 25th Aug., 1963, the dates on which they have been approved by the Bar Council of India).

consecutively after some other number on the voting paper or by two or more numbers.

- *(viii) "First Preference" means the number 'One' in words set opposite the name of a candidate; "Second Preference" means the number 'Two' in words set opposite the name of a candidate; "Third Preference" means number 'Three' in words set opposite the name of a candidate, and so on; and such numbers shall be written in words.
- (ix) "High Court" means the High Court of Rajasthan.
- (x) "Original Vote" in relation to any candidate, means a vote derived from a voting paper on which a first preference is recorded for such candidate.
- (xi) "Secretary" means the Secretary of the Bar Council of Rajasthan and shall include any person appointed under Rule 15.
- (xii) "Surplus" means the number by which the value of votes, original and transferred, of any candidate exceeds the quota.
- (xiii) "Transferred Vote" in relation to any candidate, means a vote, the value or part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent preference is recorded for such candidate.
- (xiv) "Un-exhausted Paper" means a voting paper on which a further preference is recorded for a continuing candidate.
- (xv) "Voter" means any person whose name appears in the Voters' List prepared under rule 4 of these rules.

*2A. An Advocate whose name appears in the list of voters shall be debarred from voting or from being nominated as a candidate for an election to the Bar Council so long as he remains under suspension from practice by reason of any professional misconduct of which he has been found guilty.

3. Address of voters:—The address stated by an Advocate in his application for enrolment as an Advocate to the Bar Council made after the first day of December, 1961 or by an Advocate on the Roll or any High Court in his application for entering his name of the Roll of the Bar Council maintained under section 17 of the Act, shall be deemed to be his address for the purpose of these Rules, unless such advocate has within reasonable time notified the change of his address to the Bar Council.

4. Electoral list:—

- (i) The Secretary shall prepare a list of all the Advocates whose names are entered in the Roll of Advocate of the Bar Council under section 17 of the Act, two months before the date on which election to the Bar Council is to take place, and such list shall be known as Electoral List.

*Substituted vide Resolution No. 432/1963 dated 19/20th October, 1963 of the Bar Council of India, New Delhi.

- (ii) The list so prepared shall be sent to the Presidents of the Bar Associations at all District Head-quarters in Rajasthan and to all the District Judges in Rajasthan who will notify the same on their Notice Boards. It shall also be sent to the Registrar, Rajasthan High Court, Jodhpur, for the purpose.
- (iii) Any Advocate whose name has been omitted in the list or has been incorrectly entered may apply to the Secretary by the date to be notified by the Secretary in this behalf, for correction of the list and the Secretary on being satisfied that the name has been wrongly omitted or incorrectly entered may cause a proper entry to be made.
- (iv) The correction made by the Secretary under the provisions of sub-rule (iii) shall be notified in the manner prescribed by sub-rule (ii) and after such notification, the corrected list shall be deemed to be final.

5. Time and place for election.—The election of the members of the Bar Council shall be held at such place and on such date and during such hours as the Chairman may appoint, but not later than one month after the term of the office of the elected members of the existing Bar Council expires.

6. Notice of election:—

- (a) Notice of the day, time and place of election shall be given by publication in the Official Gazette under the signature of the Secretary, on a date not less than 30 days before the date of such election.
- (b) Copies of such notice shall also be sent by the Secretary to the Advocate General and to the Presidents of the Bar Associations at all District Head-quarters in Rajasthan and to all District Judges, who will display the same on their Notice Boards. A copy shall also be sent to the Registrar, Rajasthan High Court, for the purpose.

7. Proposal of candidates:—

- (a) Every candidate for election as a member of a Bar Council shall be proposed at least by 10 voters by letter addressed by them to the Secretary and signed by each of such voters, the signatures being attested by the Presiding Officer of a Civil or Criminal Court under its Seal. The letter shall bear assent of the candidate nominated for the election and such assent shall also be attested in the manner indicated above.
- (b) The letter shall also indicate the number of each proposer in the electoral list and of the candidate; and the places where they ordinarily practise.

***(c)** The letter of nomination shall be delivered to the Secretary during office hours not less than 22 and not more than 30 clear days before the date of the election.

8. Scrutiny of nomination papers.—The Secretary may submit to the Chairman and if he is a candidate, to the Advocate General any Nomination paper as to the validity of which he may have any doubt, and subject to the provisions of Rule 29, the decision of the Chairman or the Advocate General, as the case may be, shall be final.

9. Notice to candidate.—In the event of the Chairman or the Advocate General deciding that a nomination paper is invalid, the fact shall be notified forthwith by the Secretary to the candidate and the candidate may, thereupon submit another nomination paper within the time prescribed by Rule 7 (c)

****10. Withdrawal of nominations.**—Any person whose name has been proposed as a candidate for election to the Bar Council may withdraw his name by a communication in writing duly attested by a Presiding Officer of a Civil or Criminal Court under its Seal, addressed to the Secretary so as to reach the Secretary not later than 21 days before the date of election and thereupon his name shall be omitted from the list of validly nominated candidates.

11. If the number of candidates duly proposed is equal to or less than the number of seats to be filled in, the Secretary shall declare the candidates as having been elected. If the number of candidates so proposed is less than the number of seats to be filled, the Bar Council shall have the power to fill up the remaining vacancies in the manner provided for filling casual vacancies.

12. List of valid nominations.—As soon as may be and at least 20 clear days before the date fixed for election a list of valid nominations shall be prepared by the Secretary and copies of such list shall be posted on the Notice Board of the Bar Council and High Court and copies thereof shall be sent also to the Presidents of the Bar Associations at District Head-quarters and to the District Judges for publication on the Notice Board of the Bar Associations and the District Courts respectively. The copies of such lists shall also be sent to the candidates.

13. Preparation of voting or ballot papers:—

(1) After the notification of the names of the candidates under the preceding rule, the Secretary shall prepare sufficient number of voting papers.

*The figures "15" and "24" have been substituted as figures "22" and "30" respectively vide Resolution No. 432/1963 dated 19/20-10-63 of the Bar Council of India, New Delhi.

**The figure "15" has been substituted by figure "21" vide Resolution No. 432/1963 dated 19/20th October, 1963 of the Bar Council of India, New Delhi.

- (2) The voting paper shall state the names of all the candidates duly proposed and the number of members to be elected.
- (3) The voting paper shall be in Form No. 1 and shall be accompanied by instructions in Form No. 2.

14. Despatch of voting papers:—

- (a) Note less than 15 days before the date fixed for election, the Secretary shall send the ballot papers to the voters by Registered Post.

The ballot paper shall contain the time and date of election, on or before which it must be returned to the Secretary, the name of the candidates and the number of the members to be elected. It shall be accompanied by two envelopes on which the name of the Bar Council of Rajasthan shall be printed.

- (b) The voter shall after marking the ballot paper, put it in the first envelope referred in sub-section (a) and shall close the same. The closed envelope shall then be put in the second envelope and that also shall be closed, but on this second envelope he will put his signatures and get it attested by a Magistrate or a Judicial Officer. This envelope will then be sent to the Secretary, Bar Council of Rajasthan and unless the signatures of the voters is so attested, the vote shall be rendered invalid.
- (c) The voter shall return the voting paper so as to reach the Secretary not later than the time fixed for the closing of the election, either personally by the voter or by Registered post.
- (d) The Secretary shall keep the closed envelopes in a sealed box until the time and date fixed for the counting and scrutiny of such voting papers. Due notice of the time and date and place appointed for counting and scrutiny of voting papers shall be given by post to all candidates and shall also be notified on the Notice Board of the Bar Council and the High Court and all District Courts and Bar Associations at District Head-quarters.

15. Conduct of Elections.—Elections and all matters relating thereto provided for by these rules shall be conducted by the Secretary or such person as the Bar Council may appoint to discharge the duties of the Secretary under these Rules, and the Secretary or such person may, with the prior approval of the Chairman, appoint any person or persons to assist him in the conduct thereof:

Provided that where the Chairman is himself a candidate, the election and all matters relating thereto as aforesaid shall be conducted under the directions of the Advocate General for the State of Rajasthan or any person appointed by him in that behalf.

16. Duplicate voting paper.—When a voting paper has once been posted to the last registered address of a voter under Rule 14, a second voting paper shall not be issued to the voter unless the voter satisfies the

Secretary that the voting paper has been spoiled, mutilated, lost or destroyed or not received by him. In such a case, a duplicate voting paper may be issued to such voter.

17. Method of voting.—

- (i) Every voter shall have only one vote at the election irrespective of the number of seats to be filled.
- *(ii) A voter in marking his votes shall place on the voting paper the number 'One' in words in the space opposite one of the candidates whom he chooses for his first preference, and thereafter the numbers 'Two', 'Three', 'Four' in words and so on in the space opposite the name of other candidates in order of his preference.
- (iii) A voter shall not be entitled to indicate his preference for more candidates than the number of seats to be filled
- (iv) A voting paper shall not be signed by the voter. There shall be no identification mark on the voting paper. In the event of any erasure obliteration or alteration in the voting paper or if an excessive number of preferences are indicated than the seats to be filled or the voting paper purports to have been signed or bears any identification mark, the voting paper shall be deemed to have been defaced and shall be invalid on that account.
- *(v) A voting paper shall be rendered invalid if the number 'One' is not marked against any candidate or if number 'One' or any other number is marked opposite the names of more than one candidate or is so marked as to render it doubtful as to which candidate it is intended to apply or if number 'One' and some other number or numbers are marked opposite the names of the same candidate, or if such numbers are marked in figures and not in words.
- (vi) The decision of the Chairman or the Advocate General as the case may be, whether the voting paper has or has not defaced shall be final.

18. A voter who votes in person shall deliver the voting paper to the Secretary who shall place it in a sealed box.

19. Counting of votes:—

- (i) The Secretary shall on the date and time fixed for the counting of votes, open the sealed boxes containing the voting papers and shall collect all the voting papers together.
- (ii) The Secretary shall then scrutinize the voting papers and if, in his opinion, there is any doubt as to whether any voting paper is defaced or is otherwise invalid, he shall refer it to the Chairman or the Advocate General as the case may be for his decision.

*Substituted vide Resolution No. 432/1963 dated 19/20th October, 1963 of the Bar Council of India, New Delhi.

(iii) Arranging of valid voting papers.—After rejecting voting papers which are invalid or which cannot be taken into account for the purposes of the election under rules, the Secretary shall :

- (a) arrange the remaining voting papers in parcels according to the first preference recorded for each candidate;
- (b) count and record the number of papers in each parcel, and
- (c) credit to each candidate the value of papers in his parcel.

20. Ascertainment of quota.—Every voting paper shall be deemed to be of the value of one hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

- (a) add the values credited for a candidate under Clause (c) of Rule 19 (iii);
- (b) divide the total by a number which exceeds by one the number of seats to be filled; and
- (c) add one to the quotient, ignoring the remainder, if any, the resulting number is the quota.

21. Candidates with requisite quota elected.—If any at the end of any count or at the end of the transfer of any parcel or sub-parcel of any excluded candidate, the value of voting papers credited to that candidate is equal to or greater than the quota, that candidate shall be declared elected.

22. Transfer of surplus:—

- (1) If at the end of any count, the value of the voting papers credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of this rule to the continuing candidates indicating on the voting papers of that candidate, as being next in order of the voter's preference.
- (2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

Provided that every surplus arising on the first count shall be dealt with before those arising on the second count and so on.

- (3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate, and the candidate for whom more original votes are recorded shall have his surplus first distributed, and if the value of the original votes is equal, the Secretary shall decide by lot which candidate shall have his surplus first distributed.
- (4) (a) If the surplus of any candidate to be transferred arises on the original votes only, the Secretary shall examine all the papers in the poll belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon and make a separate sub parcel of the exhausted papers.

- (b) The Secretary shall ascertain the value of the papers in each sub-paragraph and of all the unexhausted papers.
- (c) If the value of the unexhausted papers is equal to or less than the surplus, the Secretary shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.
- (d) If the value of the unexhausted papers is greater than the surplus, the Secretary shall transfer all the unexhausted papers and the value at which each paper shall be transferred, shall be ascertained by dividing the surplus by the total number of unexhausted papers.
- (5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Secretary shall re-examine all the papers in the sub-paragraph last transferred to the candidate, divide the unexhausted papers into sub-paragraphs, according to the next preferences recorded thereon, and then with the sub-paragraph in the same manner as is provided in the case of sub-paragraphs referred to in sub-rule (4) above.
- (6) The papers transferred to each candidate shall be added in the form of a sub-paragraph to the papers already belonging to such candidate.
- (7) All papers in the paragraph or sub-paragraph of an elected candidate not transferred under this rule shall be set apart as finally dealt with.

23. Exclusion of the candidates lowest on the poll:—

- (1) If, after all surpluses have been transferred as hereinbefore provided, the number of candidates elected is less than the required number, the Secretary shall exclude from the poll the candidate lowest on the poll and shall distribute his unexhausted papers among the continuing candidates according to the next preferences recorded thereon, and all exhausted papers shall be set apart as finally dealt with.
- (2) The papers containing original votes of an excluded candidate shall first be transferred, the transferred value of each paper, being one hundred.
- (3) The papers containing transferred votes of an excluded candidate shall then be transferred in order of the transfers in which, and at the value at which, he obtained them.
- (4) Each of such transfers shall be deemed to be a separate transfer, but not a separate count.
- (5) If, as a result of the transfer of papers, the value of votes obtained by a candidate is equal to or greater than the quota, the count then proceeding shall be completed, but no further papers shall be transferred to him.
- (6) The process directed by this rule shall be repeated on successive exclusions one after another of the candidates lowest on the poll

until such seat is filled either by the election of a candidate with the quota or as hereinafter provided.

- (7) If at any time, it becomes necessary to exclude a candidate and two or more candidates have the same value of votes and are the lowest on the poll, regard shall be had to the original votes of each candidate and the candidate for whom lowest original votes are recorded shall be excluded; and if the values of their original votes are equal, the candidate with the smallest value at the earliest count at which those candidates had unequal values shall be excluded.
- (8) If two or more candidates are lowest on the poll and each has the same value of votes at all counts, the Secretary shall decide by lot which candidate shall be excluded.

24. Filling last vacancies.

- (1) When at the end of any count, the number of continuing candidates is reduced to the number of seats remaining unfilled, the continuing candidates shall be declared elected.
- (2) When at the end of any count, only one seat remains unfilled and the value of the papers of some one candidate exceeds the total value of the papers of all other continuing candidates together with any surplus not transferred, that candidate shall be declared elected.
- (3) When at the end of any count only one seat remains unfilled, and there are only two continuing candidates and each of them has the same value of votes and no surplus papers can be transferred, the Secretary shall decide by lot which of them shall be excluded, and after excluding him in the manner aforesaid, declare the other candidate to be elected.

25. Fraction etc to be disregarded.—In carrying out the provisions of Rules 21 to 24, the Secretary shall disregard all fractions and ignore all preferences recorded for candidates already elected or excluded from poll.

Illustration.—For illustration of procedure as to the counting of votes in accordance with the above rules; See a Schedule to these rules.

26. Rotation.

- (1) According to section 8 subject to the limitation imposed by section 54 of the Act, on the expiry of every second year as nearly as possible 1/3rd of the members first elected to each Bar Council shall retire in the following manner and the vacancies so caused shall be filled in by election of new members in the manner prescribed above. All other vacancies in the Bar Council shall be deemed to be casual vacancies.
- (2) The members to go out of office under the preceding sub-rule after their term has commenced under section 8 of the Act shall be those who have been longest in office since the last election

and in case there are more than 7 who have been longest in office, the number to go out of office shall be determined by lots under the directions of the Chairman :

Provided that a member who has been in office for six years consecutively after his term has commenced under section 8 of the Act shall automatically go out at the end of the term of six years of his office.

- (3) The elected members going out of office shall be eligible for the re-election.

Explanation.—The date of every member's last election shall be considered to be the date of his election for the purpose of this rule.

27. Result of Election & Publication.—(i) Upon the completion of the counting of votes, a list of candidates elected to the Bar Council shall be prepared and signed by the Secretary. The same shall thereafter be submitted to the Chairman or the Advocate General as the case may be, who shall certify the same under his signatures and then the list be deemed to be final.

(ii) A copy of the list of successful candidates shall be notified on the Notice Board of the Bar Council and the High Court and also of the District Courts and the Bar Association at District Head-quarters.

(iii) The list shall also be published in the Rajasthan Rajpatra and on such publication, the persons whose names appear in the list shall be deemed to have been declared as elected to the Bar Council.

28. The candidates or their duly authorised representatives not exceeding two in each case and the Presidents of the Bar Associations or their duly authorised representatives shall have a right to be present during scrutiny and counting of voting papers.

29. Dispute about the validity of elections:—

(a) A candidate may contest the validity of the election of a candidate declared to have been elected to the Bar Council under Rule 27, by a letter signed by him and addressed to the Secretary. Such letter shall be delivered to the Secretary not later than 7 days after the date of publication of the list in the Rajasthan Rajpatra under Rule 27 and shall state the grounds on which the validity of election is contested.

(b) After the expiry of 7 days from the date of such publication in Rajasthan Rajpatra of the list of elected candidates under Rule 27, the validity of the election of a candidate shall not be challenged by any person on any ground what-so-ever.

(c) The Secretary shall on receipt of any such letter as is mentioned in sub-rule (1) refer the dispute to the authorities specified in rule 30.

(d) An election petition will lie on the following grounds:—

(i) corrupt practice as hereinafter mentioned;

(ii) breach of or non-compliance with any provision of the Advocates Act 1961 or the rules made thereunder provided that such

breach or non-compliance has materially affected the result of the election.

(e) A person shall be deemed to have committed corrupt practice within the meaning of the last preceding sub-section—

- (i) Bribery and undue influence that is to say if the candidate or any person who is acting under the general or the special authority of such candidate with reference to the election, offers or gives any money or valuable consideration or holds out any promise for the benefit of the person himself or any one in whom he is interested or holds out any threat or injury to any person or employs the influence of an Executive or Judicial Officer of the Government with the object, directly or indirectly to inducing:—
 - (1) a person to stand or not to stand as or to withdraw from being, a candidate, or to retire from contest, at an election ; or
 - (2) any elector to vote or refrain from voting at an election.
- (ii) if he or any person who is acting under the general or the special authority of such candidate with reference to the election gives, procures or abates the giving of a vote in the name of voter who is not the person giving such vote; or
- (iii) if he or any person who is acting under the general or special authority of candidate with reference to the election, delivers or induces any voter to deliver by hand or post any vote or voting papers except his own.

30. Determination of election Disputes:—

- (a) Any dispute arising under Rule 29 shall be decided by a committee of Advocates consisting of three members of the Bar Council in the previous year who are not contesting the elections and such committee shall be constituted by the Bar Council fifteen days before the date of election and the unanimous or majority decision of such Committee shall be final. In case three members not contesting elections, are not available, any advocate or advocates on the State Roll of Advocates may be appointed on the Committee.
- (b) The seat to the Bar council declared vacant under sub-rule (a) above shall be filled in the same manner as is provided for filling up of a casual vacancy.

31. (a) A casual vacancy among elected members of the Bar Council shall be deemed to occur after a member dies, resigns his post, is adjudged as an insolvent or a lunatic, is suspended from practice or his name is removed from the roll of Advocates of the Bar Council for any other reason or his election is declared invalid by the Committee of Advocates constituted under rule 30 (a). -

(b) Whenever a casual vacancy occurs in the Bar Council, the Secretary shall, on the direction of the Chairman, invite nominations. Every candidate shall be duly proposed and seconded by a member of the Bar Council. If more candidates than the number of vacancies are duly nominated, the Secretary shall fix the date of election which shall take place by secret ballot in a meeting of the Bar Council, specially convened for the purpose. If the number of candidates nominated is equal to the number of seats to be filled in, the persons so nominated shall be duly declared elected by the Secretary. In case of equality of votes, the Chairman shall have an additional vote.

(c) A member of the Bar Council who is elected under this Rule to fill a casual vacancy shall cease to be a member of the Bar Council on the expiration of the term of office of the member originally elected to fill that seat in accordance with the provisions of section 8 of the Act.

(d) The election of members on the retirement of one third of members under section 8 of the Act shall be in accordance with the rules 5 to 27 and shall not be deemed to be a casual vacancy.

32. First Meeting-Election of Chairman and Vice-Chairman:—

(a) The Bar Council shall at its first meeting elect a Chairman and a Vice-Chairman from its members.

(b) The candidate for election as a Chairman or a Vice-Chairman shall be duly nominated by a proposer and a seconder by a letter addressed to the Secretary and delivered to him at least 15 days before the date of election.

(c) As soon as may be, after the Bar Council is constituted the secretary shall appoint a date for convening a meeting for the purpose of electing a Chairman and a Vice-Chairman. The notice of the date, time and place of such meeting shall be given to all the members of the Bar Council under the signature of the Secretary not less than 30 clear days before the date of such meeting.

(d) Any person whose name has been proposed as a candidate for the office of Chairman or the Vice-Chairman, may withdraw his name by communication in writing so as to reach the Secretary not less than 12 days before the date of election and thereupon his name shall be omitted from the list of candidates.

(e) Not less than 10 clear days before the date fixed for the election, the Secretary shall cause the names of all candidates proposed to be notified on the Notice Board of the Bar Council and also post to the members of the Bar Council.

(f) (i) When only one candidate is proposed for the post, the Secretary shall declare the candidate to be duly elected.

- (ii) When more than one candidates have been proposed, election shall be held by a secret ballot, and the candidates securing the largest number of votes shall be declared as having been duly elected.
- (iii) In the case of equality of votes, the matter shall be decided by drawing of lots and the candidate in whose favour the lot falls shall be declared to have been duly elected.
- (iv) The Secretary shall act as the Returning Officer for the purposes of the election of the Chairman and the Vice-Chairman.
- (v) The name of the person elected as Chairman or Vice-Chairman shall be notified by the Secretary in the Rajasthan Rajpatra and on the Notice Board of the Bar Council.
- (vi) A candidate may contest the validity of election of the Chairman or the Vice Chairman by a letter signed by him and addressed to the Secretary. The letter should reach the Secretary not later than 7 days of the date of publication in the Rajasthan Rajpatra of the name of such Chairman or Vice-Chairman, and shall state the grounds on which the validity of the election is contested.
- (vii) Any dispute under Sub-Rule (vi) shall be decided in accordance with Rule 30 of these rule.
- (viii) Subject to the provisions of Sub-Rule (vii) the election of the Chairman or the Vice-Chairman shall be final on the expiry of 7 days from the date of publication of the result of the election.

FORM NO. 1

(Rule 14)

Bar Council of Rajasthan Elections

Number of Members
to be elected.

Names of the candidates

Mark order of preference
in space below.

1.

2.

3.

4.

Note:—This Ballot Paper must reach the Secretary, Bar Council of Rajasthan upto 4 P.M. on the date of Election.

* F O R M No.

BAR COUNCIL OF RAJASTHAN ELECTIONS

Instructions for the guidance of voters

Election to the State Bar Council of Rajasthan.

Persons whose names are printed on the voting paper are the candidates at the above election

If you desire to vote, you should record your vote or votes in accordance with the directions given below :—

Directions to Voters.

1. The number of members to be elected is
2. Write the numbers in words and not in figures.
3. Against the name of the candidate whom you want to vote your first preference, place the word 'One'. This number 'One' should not be placed against the name of more than one candidate.
4. In indicating of relative preference for other candidates place in the space opposite their names, the number 'Two', 'Three', 'Four' etc., in order of such preference.
5. Do not place more than one number opposite the name of any candidate, and do not place the same number opposite the names of more candidates than one.
6. Any voting paper on which the number 'One' in words is not marked or on which the number 'One' in words set opposite the name of more than one candidate, or is so placed as to render it doubtful as to which candidate it is intended to apply or on which the number 'One' in words and some numbers are set opposite the name of the same candidate or on which same number is set opposite the name of more candidates than one will be invalid.
7. Any erasures, obliterations, alterations, signature or any mark tending to disclose the identity of the voter, made on the voting paper will render it invalid.
8. After recording the votes according to the above instructions, the voter, shall place it in the sealed Box.
9. In case of non-resident voter, the voter shall after making the ballot paper, put it in the first envelop and shall close the same. The enclosed envelope shall then be put in the second envelop and that also shall be closed, but on this second envelope he will put his signatures and get it attested by a Magistrate or a Judicial Officer. This envelope will then be sent to be Secretary, Bar Council of Rajasthan and unless the signature of the voter is so attested the vote shall be rendered invalid.

*Substituted vide Resolution No. 432/1963 dated 19/20th Oct., of the Bar Council of India, New Delhi.

**RULES UNDER SECTION 28 (2) (a) READ WITH SECTION 17 (1) (a)
OF THE ADVOCATES ACT, 1961:**

PART V

**Rules & Notifications of Raj. High Court, Raj. Revenue
Board & Raj. Bar Council.**

BAR COUNCIL OF RAJASTHAN

[Rules approved by the Bar Council of India on 26/27-1-63.]

Rules under section 28 (2) (a) read with section 17 (1) (a) of the
Advocates Act, 1961:—

All persons who were entered as Advocates on the Roll of any High Court under the Indian Bar Councils Act, 1926 immediately before the appointed day i.e. 31st December, 1961, shall express their intention to practice within the jurisdiction of the Bar Council of Rajasthan in the form prescribed so as to reach the Bar Council not later than the 31st March, 1963 or such extended times as the Bar Council of Rajasthan may hereafter notify.

Explanation:—‘Intention to practise’ includes an intention to practise at a future date.

FORM OF DECLARATION UNDER SECTION 17 (1) (a)

To,

The Bar Council of Rajasthan,
Jodhpur.

Dear Sirs,

I intend to practise* as an Advocate within the jurisdiction of the Bar Council of Rajasthan and have therefore to request you to enter my name and address on the Roll of the Bar Council.

I have not expressed an intention to practise as an Advocate within the jurisdiction of any other Bar Council. I give below the necessary particulars:—

- (a) Name (as on the Rolls under the Indian Bar Council Act, 1926).
- (b) Address
- (c) Date of birth
- (d) Roll of the High Court or High Courts where enrolled as Advocate under the Indian Bar Council Act, 1961 immediately before 1-12-61 with the dates of such enrolment.

*Intention to practise include intention to practise at a future date, which may kindly be stated specifically.

If not enrolled in High Court at Jodhpur a certificate that his name was entered on the Roll of the High Court at ... immediately before the 1st December, 1961 must be produced.

- (e) Whether enrolled as Advocate of the Supreme Court and if so, whether as Senior Advocate or Advocate and the date of such enrolment.
- (f) *Whether enrolled as Vakil, Pleader or Attorney, and if so, the date of such enrolment.

I declare that the above statements are true to my own knowledge except as to the date of my birth which is stated on information and belief which I believe to be true.

Yours faithfully,

Signature of the Advocate,

Place

Date

RULES UNDER SECTION 28 (2) (b) READ WITH SECTION 24 (1) (d) OF THE ADVOCATES-ACT, 1961

1. No person who is otherwise eligible to be admitted as an Advocate under section 24 of the Advocates Act, 1961 but has not been exempted from the application of sub-clause (d) of section 24 (1) shall be admitted as an Advocate on the Roll of the Bar Council of Rajasthan unless he has after his graduation in Law or call to the Bar, as the case may be undergone a course of training in Law, attended a course of lectures and passed an examination after the training and the lectures in the manner prescribed.

2. In the rules hereinafter following,—

"A candidate" shall mean a graduate in Law or a Barrister (as the case may be) otherwise eligible for admission under section 24 (1) (a) & (c) of the Advocates Act, 1961;

"An Advocates" shall include Attorney enrolled as an Advocate;

"Receiving training" shall include reading Chamber of an Advocate, as hereinafter provided; and

"Master" shall mean an Advocate who is eligible to impart training in Law to a candidate.

*Date of such enrolment must be the date from which one continues on such Roll for the purpose of seniority under section 17 (3) (c) of the Advocates Act, 1961.

TRAINING

3. The course of training in Law shall consist of receiving training for a continuous period of one year from an Advocate ordinarily practising in the High Court; the City Civil Courts, the Presidency Small Causes Courts, the Presidency Magistrate's Courts or the District Court or the District Magistrate Courts or the Subordinate Judge's Courts in a District town.

Such Advocate shall be of not less than 10 years' standing (i) whose name appears on a list, if any maintained by the Bar Council, or (ii) whose name is approved by the Bar Council in writing before the candidate commences such training.

For the purpose of computing ten years' standing of an Advocate, his standing as Pleader, Vakil or an Advocate, shall be taken into account.

4. No candidate shall receive training with an Advocate who has, at the time or the commencement of receiving training more than two other candidates except with the previous permission in writing of the Bar Council.

5. Every candidate receiving training with an Advocate shall send to the Bar Council an intimation in writing of the name of the Advocate from whom he desires to receive training, together with the consent in writing of the Advocate concerned in the form prescribed.

6. The period of training shall be deemed to commence from the date of the receipt of intimation by the Bar Council referred to in Rule 5 unless the Bar Council otherwise directs.

7. Every candidate shall be bound to receive training for the period of one year under the same Advocate except where the Advocate has before the expiry of the period of one year ceased to practise in which case the candidate shall receive training with another Advocate for the residue of the period provided such other Advocate is of not less than ten years standing and is on the list, if any, maintained by the Bar Council or is approved by the Bar Council in writing and provided further that he shall have given to the Bar Council (a) an intimation in writing thereof previously to his receiving training with such other advocate and (d) the consent in writing of the Advocate concerned in the form prescribed.

Provided that if his Master is specialised in some branches of law, he can attend, with the permission of his Master the Chamber of other Master for those branches of law which are not dealt within the Chamber of his Master for a limited period of time.

8. During the period of training the candidate shall regularly attend in Chambers or office of the Advocate, study case papers, correspondence; draft pleadings, attend court and in particular study cases

with view to getting acquainted with the practice and procedure in Civil and or Criminal and or original and or Appellate work.

9. (a) Every candidate shall maintain two diaries—one for work done in Chamber and another for work attended to in Courts. The Chambers Diary shall contain a day to day record of the work done by the candidate in the Advocates, Chambers given shortly the facts of the cases studies, of plaints, written statements, affidavits, grounds of appeal or revision etc. read and other matters looked into. The Court Diary shall contain the date, the number of the cases attended, the arguments and the result and where the case is that of the Master, the date on which it may have been studied by the apprentice previously with reference page of the entry therefore in the Chambers Diary, questions of law argued, the decisions cited and judgments rendered. The candidate shall write out on the first page of each of his diaries his name, serial number, the name of the Advocate, the place of training and the date of commencement of the training. The candidate shall also note separately in the second page of the Chambers Diary the date of absence from Chambers or Court, the date on which the Advocate has signed the diaries, the dates of despatch of delivery of the statements referred to in the rules hereunder and other important particulars connected with his training.

9. (b) Every candidate shall submit his Court and Chambers diaries to the Advocate for scrutiny at least once a month on or before the 5th of each month, and obtain his signature with the date in the Chambers and Court diaries in a statement in Form in the appendix to these rule. The statement on which the Advocate's signature is obtained shall be sent to the Secretary to reach him on or before the 15th of each month.

During the period, however, when the Courts where the Advocate is practising are closed for summer recess or other recess, it shall be sufficient if the signature of the Advocate are obtained in the diaries a week before such recess and again a week after the re-opening and the statements in each case sent to the secretary within a week after the date of the signatures of the Advocate are obtained.

10. No candidate shall engage himself in any employment, profession, business, trade or calling during the course of training, but the Bar Council, may, in appropriate cases, permit a candidate to be a fellow or a lecturer in law in an institution where law is taught to students or to sign Articles with an Attorney or to take a part-time employment which does not conflict with his training.

11. During the period of one year, the candidate shall not absent himself for total period exceeding 20 days (excluding vacations) in the period except on the ground of illness, preparation for the examination of the Bar Council or for other reasons considered sufficient by the Advocate from whom he is receiving training. In all cases of such absence, the permission granted for the absence, with the reasons therefor, shall be

obtained by the candidate and submitted to the Council. If continued illness entails absence of more than such total period, the candidate shall give intimation in writing to the Bar Council which may, if such absence shall not be for a total period of more than two months, condone the same.

12. An Advocate from whom the candidate is receiving training shall intimate to the Bar Council in writing the non-attendance of a candidate in training for more than a continuous period of 20 days without his permission during the Court Vacations.

13. The Secretary of the Bar Council shall maintain a separate register in which shall be entered the names of the candidates undergoing a course of training in law, the name and address of the Advocate concerned, the date of the intimation and the date of the actual commencement of receiving training.

14. The Bar Council may, where it is satisfied that the candidate has not undergone full and proper training in compliance with the rules, may extend the period of training as it may deem fit.

EXAMINATION

15. No candidate shall be entitled to appear at an examination held by the Bar Council unless he has undergone a course of training and attended a course of lectures as hereinbefore prescribed.

16. An examination shall be held twice every year by and under the supervision of the Bar Council at or such other place or places as the Council may from time to time appoint by previous notification in the State Government Gazette.

17. The examination shall ordinarily be held in the months of August and February in every year commencing on the 1st Monday of the month, or on such other dates and at such hours as the Council may appoint and notify: provided that the hour and date previously appointed for holding the said examination may be altered, varied or restricted from time to time by the Council after reasonable notice in advance in such manner as the Council may deem proper.

18. The examination shall be conducted by the Examination Committee to be appointed by the Bar Council. The Examination Committee shall consist of 5 members to be elected by the Bar Council.

19. The candidate shall be examined in four papers (each consisting of two sections together carrying 100 marks and requiring three hours duration). The candidate shall appear and be examined at an examination held by the Council in such subjects as the council may from time to time prescribe. Until other provision is made, the candidate will be examined in the following subjects :—

Paper I. (a) The Civil Procedure and Practice.

(b) The Indian Limitation Act.

Paper II. (a) The Criminal Procedure and Practice.

(b) The Indian Evidence Act.

Paper III. (a) Drafting of pleadings, petition, applications etc.

(b) Law relating to Advocates, remuneration and fees.

(c) Professional conduct and Ethics.

Paper IV. subject chosen for specialisation from among the following :—

(1) Labour.

(2) Taxation.

(3) Tenancy and Land laws.

(4) Company law and Insolvency.

(5) Conveyancing.

(6) Court-fee, Stamp Registration Acts.

20. The candidate shall be exempted from Paper I and/or Paper II if he is shown to have passed an examination either for the purpose of obtaining his Degree of Law or for being called to the Bar in the subjects comprising the said Paper.

21. The candidate shall also have to submit to a viva voce test in the subjects in which he has appeared and been examined. Such a test will carry 100 marks. The viva voce test will include the examination of diaries submitted under rule 9 (b).

22. The examination Committee may from time to time prescribe Acts, text-books and leading cases on the subject prescribed by the Council for the examination.

23. Every candidate for the examination shall submit an application in the prescribed form so as to reach the Secretary not less than 30 days and not earlier than 60 days before the date notified for the examination.

24. Printed copies of the application form shall be furnished to intending candidate by the Council on payment of such charges as the Council may from time to time fix in that behalf..

25. Every candidate for examination shall, along with his or her application, pay or remit to the Council a fee of Rs. 40/- for permission to appear at the examination provided that in the event of a candidate being prevented by reason of illness or any other reasonable cause from appearing at the examination, the Secretary may, on an application in writing submitted not later than fifteen days after the termination of the said examination, permit him to appear at the next ensuing examination without payment of a fresh fee.

26. If, for any cause, which the Examination Committee considers reasonable, a candidate was unable to appear at the examination for which he had paid the fee and applies for refund of the fee, the Committee may,

on his application submitted not later than 15 days after the termination of the examination, refund four fifths of the said fee.

27. Every candidate shall annex to his application for permission to appear at the examination the certificate to the following effect:—

(i) that the candidate has obtained a Degree in Law within the meaning of section 24 of the Act or that the candidate has been called to the Bar;

(ii) that the candidate has undergone the course of training as prescribed such certificate to be in the prescribed form from an Advocate under whom the candidate has been receiving training.

28. Every candidate shall, on being required by the Secretary furnish such information as may be required by the Secretary for the due consideration of the candidate's application and in cases in which the question of eligibility of the candidate for the examination appears to the Secretary to be doubtful, the Secretary is authorised to make such further or other inquiries as may appear necessary to him. The Secretary shall report to the Examination Committee the result of such inquiries. The Examination Committee may, before finally deciding on the eligibility of the candidate give the candidate an opportunity to be heard, if the result of such further inquiries made by the Secretary is adverse to the candidate.

29. Failure to pass an examination will not disqualify the candidate from appearing at the subsequent examination provided a new application is made and a fresh fee paid.

30. (i) A candidate who obtains (a) not less than 45 per-cent of the marks assigned to each paper and the viva voce test and (b) not less than 50 percent of the total marks obtainable in all papers including viva voce test, shall be declared to have passed the examination. Provided that he has also obtained 45% of the marks in the viva voce examination.

(ii) A candidate who has passed with 60 per cent of the full marks in an individual paper may be exempted at his option from appearing in that paper for three years exclusive of the examination in which he has obtained exemption and will be declared to have passed the examination on his passing in the remaining papers.

31. A list of successful candidates shall be posted at the office of the Council as soon as the results are declared and thereafter published in the State Government Gazette.

32. A certificate shall be granted by Council to a candidate who has been declared successful and who duly applies for the same.

ENROLMENT

[Rules under section 28 (2) (c) read with section 15 (1) (i) and 26]

1. An application for admission as an Advocate on the Roll of the Bar Council of Rajasthan shall be made in the Form prescribed by the Council.

1A. The printed copies of the application Form shall be furnished to intending candidates by the Bar Council on payment or such charges as the Bar Council may from time to time fix in that behalf.

1B. The application shall be accompanied by the following:—

(a) A diploma or a certificate showing that the applicant has taken a Degree in Law of a University in India.

(b) Certificate in the form prescribed, is to his moral character and of his fitness to be an Advocate on the Roll of Advocates of the Bar Council of Rajasthan from at least two persons of respectability and position (not being his relations) preferably Advocate on the Roll of the Bar Council of Rajasthan. Where the applicant is a person already enrolled as a Vakil, Pleader or an Attorney, he shall not be required to produce such certificate.

(c) A declaration in writing by the applicants that he will faithfully observe and abide by all rules made by the Bar Council and the Bar Council of India as amended from time to time for regulating the conduct of Advocates on the State Roll and the Common Roll of India.

(d) A declaration as to whether the application has made any previous application for admission as an advocate to any High Court and the result thereof.

(e) A declaration that he is a citizen of India or a national of a country where citizen of India, duly qualified, are permitted to practise in Law.

(f) A receipt from the Secretary of the Bar Council that the applicant has paid the fee prescribed for enrolment under section 21 (1) (f) or a Bank Draft payable to the Secretary, Bar Council of Rajasthan, Jodhpur for the amount of fee.

(g) A declaration that the applicant has completed 21 years of his age on or before the day of the application.

(h) A declaration that the applicant is not in full or part-time employment or service and is not engaged in any trade, business or profession except as follows:—

(i) any person who is a Law Officer of the Central Government or the Government of a State;

“Law Officer of the Government of Rajasthan shall be the Advocate General, Government Advocate including Deputy Government Advocates and Assistant Government Advocates, and Public Prosecutors including Addl. Public Prosecutors and Assistant Public Prosecutors;

(ii) any person who is an Articled Clerk of an Attorney;

(iii) any person who is an assistant to an Advocate or to an Attorney who is an Advocate;

(iv) any person who is in part-time service as a Professor, Lecturer or Teacher in Law;

(v) any person who by virtue of being a member of a Joint Hindu family has an interest in a Joint Hindu family business provided he does not take part in the management thereof; and

(vi) any other person or class of persons as the Bar Council may from time to time exempt.

(i) The two undertakings to be given in the following terms:—

(a) I do hereby undertake that if after my admission as an Advocate I accept full or part-time service or I am engaged in any trade, business or profession (other than such as is exempted by the State Bar Council from the operation of this undertaking) I shall forthwith inform the Council of such employment or engagement and shall cease to practise as an Advocate

(b) I do hereby undertake that I shall not accept any employment which, in the opinion of the Bar Council, is derogatory to the status of an Advocate.

2. The application shall be scrutinised by the office and submitted to Enrolment Committee of the Bar Council. The Enrolment Committee shall proceed to dispose of every application in accordance with the provision of the Act the rules made thereunder and the resolutions passed and/or directions given and/or the principles laid down from time to time by the Bar Council and then in force.

3. In the event of the Enrolment committee feeling any doubt or difficulty as to the eligibility of the person seeking admission or as to the interpretation of any of the provision of the Act, the rules, resolutions or directions or principles, it shall refer the application to the State Bar Council for clarification of such doubt, difficulty or such question and shall finally dispose of the application in the light of the ruling and/or directions given by the Bar Council in that behalf.

4. If the Enrolment Committee should be of the opinion that any application for admission made to the Bar Council and referred to it for disposal ought to be rejected, it shall record its reason in a Statement and shall refer the application under section 26 (2) of the Act for the opinion to the Bar Council of India through the Bar Council and dispose it of in conformity with the opinion of the Bar Council of India.

5. An Advocate who ceases to practise or when he resumes practice shall inform the Bar Council which shall thereupon pass necessary orders in that respect.

RULES FRAMED UNDER SECTION 28(2) (d) READ WITH SECTION 24 (1)-(e)

1. A person who is otherwise qualified to be admitted as an Advocate but is either in full or part-time service or employment or is engaged in any trade, business or profession shall not be admitted as an Advocate.

Provided however that this rule shall not apply to:—

- (i) any person who is Law Officer of the Central Government or the Government of a State;
- (ii) any person who is Article Clerk of an Attorney;
- (iii) any person who is in assistant to an Advocate or to an Attorney who is an Advocate;
- (iv) any person who is in part-time service as a Professor, Lecturer or Teacher in Law;
- (v) any person who by virtue of being a member of a Hindu Joint family has an interest in a joint Hindu family business, provided he does not take part in the management thereof; and
- (vi) any other person or class of a persons as the Bar Council may from time to time exempt.

2. Every person applying to be admitted as an Advocate shall in his application make a declaration that he is not in full or part-time service or employment and that he is not engaged in any trade, business or profession. But in case he is in such full or part-time service or employment or is engaged in any trade, business or profession he shall in the declaration disclose full particulars of his service, employment or engagement. He shall undertake that if, after his admission as an Advocate, he accepts full or part-time service or employment or is engaged in any trade, business or profession disqualifying him from admission, he shall forthwith inform the Bar Council of such service or employment or engagement and shall cease to practise as an Advocate.

3. No Advocate shall accept any employment which in the opinion of the Bar Council, is derogatory to the status of an Advocate. And if he does so he shall be liable to be proceeded against for professional misconduct.

4. A breach of the above mentioned rules or any undertaking given in pursuance thereof shall amount to professional misconduct.

BAR COUNCIL OF RAJASTHAN PROFORMA

(Rule 5 under Section 28 (2) (b) & 24 (1) (4) of the Advocates Act, 1961.)

INTIMATION FOR COMMENCEMENT OF TRAINING

1. Name in full (In block letters)
(woman candidate must write
before her name Miss' or Mrs')-
2. Date of birth with proof.

3. Year of passing the Law Examination and the name of the University with proof.
4. Father's name and permanent address.
5. Postal Address.
6. Name of the Advocate (Master) who will impart training.
Place of practice.
Year of enrolment as legal practitioner.
7. Place where the training will be undertaken.
8. If the candidate was in whole-time Service whether he has resigned. (Enclose proof).
9. If the candidate is in some part-time employment which does not conflict with his training, Give details.

I declare that all the entries made above are true and correct.

Signature of the Candidate

The application must be accompanied with:—

- (1) a proof of holding a degree in Law.
- (2) a proof of age, preferably High School or other Certificate;
- (3) two testimonials of moral character from two persons of respectability and position (not being his relations).
- (4) The following declarations and undertakings:—
(a) that the candidate is a citizen of India,
(b) that he is not engaged in any full-time service or business.
- (5) A letter of consent from the Advocate under whom the candidate will be receiving training in Law.

BAR COUNCIL OF RAJASTHAN

Pro Forma

[Rule 7 under section 28 (2) (b) read with section 24 (1) (d).]

LETTER OF CONSENT FROM THE ADVOCATE

.....
.....
.....
(address)

.....

To

The Secretary,
Bar Council of Rajasthan,
JODHPUR.

Dear Sir

I am an Advocate on the Roll of.....

.....

2. I have.....years standing as a legal practitioner and an approved by the Bar Council for imparting Practical Training in Law.

3. I am taking Mr.....as a candidate for training in Law under me as provided in the Bar Council Rules under the Advocates Act, 1961.

4. This candidate is my trainee number (if the trainee is third or over kindly give the reference of the Bar Council letter here)

Place

Signature of the Advocate.

Date

BARCOUNCIL OF RAJASTHAN

Pro Forma

[Form under rule 9 (b) of rules under section 28 (2) (b) of the Advocates Act, 1961.]

From,

.....
.....
.....

To,

The Secretary,
Bar Council of Rajasthan,
JODHPUR.

Sir,

1. I.....Serial No.....a trainee under Shri.....at.....have submitted the Chamber Diaries maintained by me as required under the Rules to my Master Advocate and have obtained his signatures on the said diaries on

2. Since the commencement of my training/since I filed my last statement to the Bar Council I have been regularly attending my Master's Chamber and Court excepting onwhen I was absent. The permission of master for my absence is recorded in the Chamber Diary.

3. My postal address is (communicate change, if any).

Signature of the Master.

Signature of the candidate.

Date

Address:.....

.....

BAR COUNCIL OF RAJASTHAN, JODHPUR

FORM

(Under Rule 23 of Rules under section 28 (2) (b) read with Section 24 (1) (d) of the Advocates Act, 1961.)

FORM OF APPLICATION TO AN EXAMINATION IN PRACTICAL
SUBJECTS IN LAW TO BE HELD IN THE
MONTH OF..... 196 .

1. Please affix here your recent passport size Photo with your signatures across it.
2. Name of the candidate.
3. Name as given in the Law Degree.
4. Father's name in full.
5. Date of passing the Law Examination.
6. Date of payment of Examination fee. (To be paid in Bank Draft or Postal orders only).
7. The name of the Advocate (master). Place of his practice.
8. Whether he has submitted the prescribed certificate of his Advocate (master) and his Chamber and Court Diaries, duly endorsed by his Advocate (master).
9. Two certificates of Character.
10. State if you will be using or not using the books, if permitted to do so.

I declare that all the entries made above are true and correct.

Dated..... 196 .

Candidate's Signature in full.

1—Rules Under Section 28 (2) (b) Read With Section 24 (1) (d), of the Advocates Act, 1961.

AMENDMENT to Rules for the admission and enrolment of Advocates on the Roll of the Bar Council of Rajasthan under section 28 (2) (b) read with section 24 (1) (d) of the Advocates Act, 1961:—

- (1) In Rule 7, after the word “except” the words “where the Bar Council permits a candidate to change his master in appropriate cases or” be inserted.

(Approved by the Bar Council of India on 19th and 20th October 1963).

- (2) In Rule 16, the word “Jodhpur” be inserted after the words “the Bar Council at”.

(Approved by the Bar Council of India on 31st Oct., 1964).

II.—Rules Under Section 28 (2) (c) Read With Section 15 (1) (i) and 26 of the Advocates Act, 1961

- (1) In Rule 3, the word “finally” be deleted.

III— Rules Under Section 28 (2)(d) Read With Section 24(1) (e) of the Advocates Act. 1961:

- (1) In proviso (vi) of Rule 1, the “other person or” be deleted and the words “with the approval of the Bar Council of India” after the words “from time to time exempt” be added.

(Approved by the Bar Council of India on 31st Oct. 1964).

IV—Application form Under Rule 1 of the Rules Under Section 28 (2) (c) Read with Section 15 (1) (i) and 26 of the Advocates Act, 1961, for Admission as Advocate on the Roll of the Bar Council of Rajasthan:

The application Form (as set out hereunder) be amended (Approved by the Bar Council of India on 30th & 31st December, 1964).

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 17-6-65— Page 240 (30)]

- (1) In Rule 7, after the word “except” the words “where the Bar Council permits a candidate to change his master in appropriate cases or” be inserted.

(Approved by the Bar Council of India, on 19th and 20th October, 1963).

- (2) In Rule 16, the word “Jodhpur” be inserted after the words “the Bar Council at”.

(Approved by the Bar Council of India on 31st Oct., 1964).

II— Rule Under Section 28 (2) (c) Read with Section 15 (1) (i) and 26 of the Advocates Act, 1961.

(1) In Rule 3 the word “finally” be deleted.

III—Rules Under Section 28 (2) (d) Read With Section 24 (1) (e) of the Advocates Act, 1961.

(1) In proviso (vi) of Rule 1, the “other person or” be deleted and the words “with the approval of the Bar Council of India” after the words “from time to time exempt” be added.

(Approved by the Bar Council of India on 31st oct., 1964).

IV—Application Form Under Rule 1 of the Rules Under Section 28 (2) 2 (c) Read With Sections 15 (1) (i) and 26 of the Advocates Act, 1961, for Admission as Advocate on the Roll of the Bar Council of Rajasthan:

The application Form (as set out hereunder) be amended (Approved by the Bar Council of India on 30th & 31st December, 1964).

ANNEXURE

THE BAR COUNCIL OF RAJASTHAN

Application for Enrolment of the State Bar Council of Rajasthan Vide Rule 1 of the Rules Under Section 28 (2) (c) Read With Section 15 (2) (i) and 26 of the Advocate Act, 1961

To
The Secretary,
Bar Council of Rajasthan,
JODHPUR.

Dear Sir,

I beg to apply for enrolment as an Advocate on the State Roll of this State under Section 24 (1)/(2)/(3) of the Advocates Act, 1961.

The particulars are stated below.—

1. Name in full (IN BLOCK LETTERS) (Woman candidates must write ‘Miss’ or ‘Mrs’ before her name).
2. Father’s Name & Home Address.
3. Give your exact date of birth as mentioned in your matriculation or equivalent Examination Certificate or birth Register, with a true copy of the same duly certified.
4. Have you obtained a Degree in Law after graduation? Give the years with true copies of your Degree or other proofs.
5. (a) If you are also a Vakil, Pleader or Mukhtar give the date of your first enrolment as such with proof along with, the true copy of your certificate or Sanad.

(b) If you are not a Law Graduate.:

- (i) State whether you have completed three years practice before 31st March, 1964 or whether you were entitled at any time to be enrolled under any law then in force as an Advocate of the High Court (including the High Court of the former Part 'B' State) or a Court of Judicial Commissioner in any union territory ? (Enclose Proof).
- (ii) Whether before 15th August, 1947 you were an advocate of any High Court of British India or before 1st April, 1937 of any High Court in Burma as defined in the Government of India Act, 1935 ? (Enclose Proof).
- (iii) Whether you are entitled to be enrolled under any rules made by the Bar Council of India in this behalf ? (Enclose Proof).

N.B.—For acknowledgement, if required please send a Self-addressed Post Card.

- (iv) Whether you were an Attorney of any High Court ? (Enclose Proof).
6. Whether any action was taken against you for any misconduct ? If so, give particulars with dates.
7. (a) If you claim exemption from training and examination under Section 24 (1) (d) of the Advocates Act, 1961 ? If so, state the provision under which you claim exemption in support of the same.

OR

- (b) Whether you have passed the Bar Council Examination and have completed one year's training for being qualified to apply for admission and enrolment as an Advocate ? (A true copy of the Certificate must be enclosed).
8. If your period of passing the Law Degree Examination and this application is not properly explained above give details of your occupation between this period.
9. State whether you intend to practise within the jurisdiction of the Bar Council of Rajasthan ? If so, give the place where you intend to practise with address (Any change must be communicated to the Bar Council).
10. Whether you have made any previous application for enrolment as advocate to any State Bar Council ? If so, state the result thereof.
11. Have you paid or tendered the enrolment fee of Rs. 250/- (Two hundred and fifty) only ? (All remittance must be by Demand Drafts payable to the Secretary, Bar Council of Rajasthan, Jodhpur.)

I, S/o
resident of declare that the facts stated above are
true and correct to the best of my personal information and knowledge

The required declarations and undertakings are enclosed.

Dated

Signature of the applicant.

ENCLOSURES.

I. Demand Draft No dated Rs on
..... (Name of Bank)

DECLARATION 'A'
(For citizens of India only)

I, S/o
hereby declare that I am a citizen of India.

(FOR OTHERS)*

I S/o
hereby declare that I am a national of and further
declare that the Citizens of India, duly qualified, are permitted to practise
law in my country.

Date.....

Signature of the Applicant.

DECLARATION 'B'

I, S/o
hereby declare that I have completed twenty-one years of age.

Date.....

Signature of the applicant

DECLARATION 'C'

I, S/o
hereby declare that I am not engaged in any part-time or full-time or busi-
ness or profession except as which is exempted vide clause
No..... under rule 1 framed u/s 28 (2) (d) read with Section 24 (1) (e)
of the Advocates Act, 1961.

Date.....

Signature of applicant.

DECLARATION 'D'

I, s/o
do hereby declare that I have no made any previous application for admis-
sion as an Advocate to any High Court or to any Bar Council.

Date....

Signature of the applicant.

OR

I, s/o
do hereby declare that the following particulars of my previous application
for enrolment are true:

- (i) The High Court or the Bar Council
to which the previous application
was made.

Strike off whichever is inapplicable.

- (ii) Date of the application for enrolment.
- (iii) The result of the application for enrolment.
- (iv) In case the previous application is refused, the reasons for such a refusal.

Date.....

Signature of the applicant.

DECLARATION 'E'

I, s/o.....

do hereby declare that I shall abide by all the rules that may be passed by the Bar Council of Rajasthan and the Bar Council of India for regulating the conduct of the advocates on the Roll.

Date.....

Signature of the applicant.

DECLARATION 'F'

I, s/o.....

do hereby declare that I intend to practise in the jurisdiction of the Bar Council of Rajasthan.

Date.....

Signature of the applicant.

UNDERTAKING 'A'

I, s/o.....

do hereby undertake that if after my admission as an advocate I accept full or part-time service or I am engaged in any trade or business or profession (other than such as is exempted by the State Bar Council from the operation of undertaking) I shall forthwith inform the Council of such employment or engagement and shall cease to practise as an advocate.

Date

Signature of the applicant.

UNDERTAKING 'B'

I, s/o.....

do hereby undertake that I shall not accept any employment which in the opinion of the Bar Council is derogatory to the status of an advocate.

Date.....

Signature of the applicant.

PROFORMA OF CHARACTER CERTIFICATE

I, designation.....

..... place..... do hereby certify that

Mr. s/o.....

is known to me personally. I had several occasions of judging his character also. I believe him to be a person of sound moral character and in my opinion, he is fit to be enrolled as an advocate on the roll of the Bar Council of Rajasthan. He is not related to me.

Signature

Name

Designation

Date.

*Enclose two such certificate (Practising pleaders are not required to submit these).

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 24-6-65—Page 240 (30)]

1. The heading be substituted as "RULES UNDER SECTION 28 (2) (b) & (d) READ WITH SECTION 24 (1) (d) & (e) OF THE ADVOCATES ACT, 1961".

2. In Rule 1, the words "after the training and the lectures" be deleted.

3. In Rule 3, para 3, the word "may" be substituted for word "shall".

4. In Rule 15, the words "or is undergoing" be added after the words "has undergone".

5. In Rule 19, the words "provided that the Bar Council may introduce two or more of the above subjects" be added.

6. In Rule 20, the following proviso be added :
"Provided that the Bar Council may prescribe alternative paper or papers in such cases".

7. In Rule 21, the words "which a candidate should produce at the time of Viva-voce Test" be added at the end of the said rule.

8. In Rule 27, in clause (ii), the words "or is undergoing" be added after the words "has undergone".

9. The following rule be added as Rule 33:

"33. The Bar Council may from time to time prescribe the necessary forms or amend the forms already prescribed under these rules and may frame Regulations for the conduct of training and examination".

10. In the Proforma prescribed under Rule 5, the heading between the words "PROFORMA" and "INTIMATION FOR COMMENCEMENT OF TRAINING" be corrected as "(Rule 5 under Section 28 (2) (b) & 24 (1) (d) of the Advocates Act, 1961",

the words "Legal Practitioner" in Column 6, be substituted by the word "Advocate",

the foot note "4 (c)" be re-numbered as "4 (b)", and the following be added as "(6) A Bank Draft of Rs. 25/- payable to the Bar Council of Rajasthan" at the end of the footnotes.

11. In para 2 of the Proforma prescribed under Rule 7, the words "Legal Practitioner" be substituted by the word "Advocate", and

In para 3 of the said Proforma, the words "I shall inform the Bar Council if and when the applicant discontinues the training in the middle of the term" be added.

12. In para 1, of the Proforma prescribed under rule 9(b), the word "Serial" be substituted by the word "Registration",

the words "Court and" be inserted between the words "the" and "Chamber", and

in this Proforma, a Part II be added as prescribed in the Appendix-A.

13. In the heading of the Proforma prescribed under Rule 23, the words "for permission" be added after the words "Form of application", the Column 3 of the said Proforma be substituted by the words "Candidate's Registration Number",

in Column 8 of the said Proforma, the word "prescribed" be omitted and Columns 11 & 12 be added :

11. State if you claim exemption, if any from any Compulsory paper or papers with grounds and proof.

12. State the subject which you have opted for specialisation in which you will be examined.

"Part II" be added in the Proforma as prescribed in the Appendix-B.

14. The Proforma prescribed under Rule 27 (ii) be dropped. IN RULES UNDER SECTION 28 (2) (c) READ WITH SECTION 15 (1) & 26 :

1. The existing heading be substituted as "RULES UNDER SECTION 28 (2) (c) READ WITH SECTION 24 (1) (e), 15 (2) (i) AND 26 OF THE ADVOCATES ACT, 1961".

2. In Rule 1B:

(i) In sub-rule (b), the words "but only a Certificate of Practice or sanad" be added at the end.

(ii) The following sub-rule be added after sub-rule (b):

"(bb) Unless exempted from the Bar Council Training an Examination, a Certificate from his Master that he had undergone a course of training in compliance with the rules in the form prescribed which shall be verified by the Secretary on the basis of his record that he has undergone full and proper training, and a copy of the Certificate of having passed the Bar Council Examination".

The Form prescribed is appended

(iii) In Sub-Rule(h) (i), the words "who may accept briefs from private persons, in any Civil Case in which the Government is not a party and the interests of those persons are not adverse to the Government.

3. The following new rule be added as Rule (1C)

"(1C.) Any fact found to be false at any time in any declaration given by an applicant shall amount to misconduct".

4. In Rule 5, the word "in the Form prescribed" be added at the end of the rule". (The form prescribed is appended).

APPENDIX A

PART II

(Under Rule 9(b))

THE BAR COUNCIL OF RAJASTHAN
THE FOLLOWING IS THE BRIEF STATEMENT OF THE
DETAILS OF TRAINING UNDERGONE DURING
THE MONTH OF.....196 .

| Date of Statement. | Date on which the candidate was absent from : | Total number of Cases attending during the month in | Date on which Diaries were submitted to the Advocate. |
|--------------------|---|---|---|
| | Court | Chamber | Court |
| | | Chamber | |

Brief Statement of the details of training during the month in Court and Chamber :

General report about the candidate and his progress during the month :

Date of submission of his last Statement :

Any other fact to be mentioned

(Signature of the candidate)

Date.....

Counter:Signature of the Advocate:

Date.....

Name.....

Address

N. B.— This Statement should be prepared in duplicate, one copy for submission to the Bar Council and the other copy to be kept by the candidate for reference as and when necessary.

APPENDIX B

PART II

(Under Rule 23)

THE BAR COUNCIL OF RAJASTHAN
INTIMATION OF PERMISSION OF ADMISSION TO THE
BAR COUNCIL EXAMINATION, 196 .

Roll No.

Candidate's
Registration No

Mr./Miss/Mrs.....

..... Son/Daughter/Wife of Shri.....

Rules under Advocates Act, 1961.

has been admitted to the Bar Council Examination to be held in the month of 196 ..

Jodhpur, Secretary,
Bar Council of Rajasthan.
Date Jodhpur.

PROFORMA

THE BAR COUNCIL OF RAJASTHAN
CERTIFICATE OF THE MASTER

[Under Rule 1B(bb) of the Rules under section 28(2) (c) read with sections 24(1) (e), 15(2) (i) & 26.]

1. Mr. _____ has studied in my Chamber for the period of _____, from _____ to _____

2. The said Mr. _____ has not been absent during the period of his studies, so as to disqualify him for enrolment as an advocate under the Advocates Act, 1961.

3. The said Mr. _____ has not been engaged during the period of his studies, in any profession, business or employment other than such studies.

4. The said Mr. _____ has been found diligent and regular in his studies.

5. I do hereby certify that the said Mr. _____ has duly studied in my Chambers for the full term and that he is a fit and proper person for being enrolled as an Advocate under the Advocates Act, 1961.

Place _____
Date _____

Signature of the Master.
The Bar Council of Rajasthan.
Office Report.

PROFORMA

THE BAR COUNCIL OF RAJASTHAN APPLICATION FOR
SUSPENSION OF PRACTICE AS AN ADVOCATE

Under Rule 5 of the Rules under section 28 (2) (c) read with sections 24 (1) (e), 15 (2) (i) & 26/.

To

The Secretary,
Bar Council of Rajasthan,
JODHPUR.

Dear Sir,

I have ceased, to practise with effect from _____, kindly suspend me from practice on the Rolls.

My particulars are given below.

1. Name

2. Address
3. Enrolment No.
4. Date of Enrolment
5. Reason for suspension.

Place _____
Date _____

Signature of Advocate.

PROFORMA

THE BAR COUNCIL OF RAJASTHAN APPLICATION FOR RESUMPTION OF PRACTICE AS AN ADVOCATE

[Under Rule 5 of the Rules under section 28 (2) (c) read with sections
24 (1) (e), 15 (2)(i) & 26.]

To

The Secretary,
Bar Council of Rajasthan,
JODHPUR.

Dear Sir,

This is to inform you that I am resuming practice as an advocate from (date to be specified). My particulars are given below.

1. Name
2. Address
3. Enrolment No. & Date
4. Place of practice
5. No. and date of order by which suspended from practice.
6. Date from which suspended from practice.
7. Certificate of good character (enclosed).

Place _____
Date _____

Signature of applicant.

(These Rules & Forms mentioned above have been adopted by this Bar Council on 31-1-1965 and approved by the Bar Council of India on 10th and 11th of July, 1965).

[Pub. in Raj. Gaz. 4 (Ga)-Dt.—30-9-65—Page 311-(83)]

The Bar Council of Rajasthan
Jodhpur, February 1, 1967

Notification No. RBC/Rules/67.—In pursuance of the directions of the Bar Council of India vide its Resolution No. 128/1966, the Bar Council of Rajasthan with the approval of the Bar Council of India makes the following amendments in the Rules under section 28 (2) (b) and (d) read with Section 24 (1) (d) and (e) of the Advocates Act, 1961 :

In Rule 3:—The word "one year" be substituted by the words "six months" and the words "District Magistrate Court" be omitted.

In Rule 15:—The following proviso be added "Provided that the Bar Council in special circumstances may by a resolution decide to hold the

Examination prior to a course of lectures and in that examination such candidates who have undergone or are undergoing training will be entitled to appear."

In Rule 17:—The rule be redrafted as under : "17 The Bar Council examination shall ordinarily be held in the months of December and July every year on such dates and at such times as may be fixed and notified by it:

Provided that the hour or/and date previously fixed for holding the said examinations may be altered from time to time by the Council after giving reasonable notice in advance in such manner as the Council decides.

Provided further that the first Bar Council Examination shall be held in January 1967."

In Rule 1:—The rule be re-drafted as under:—

"19. Candidates shall be examined in the paper mentioned below.

Each paper shall consist of two parts each part carrying 50 Marks. Each paper shall be of three hours duration.

Paper I—

(a) Supreme Court Rules,

(b) Rajasthan High Court and Subordinate Criminal and Civil Courts Rules.

Paper II—

(a) Drafting of pleadings, petitions, applications, etc.

(b) Law relating to Advocates, Professional Conduct and Ethics.

Paper III—Any one from the following (1) and (2):—

(1) (a) Civil & Criminal Procedures,

(b) Indian Evidence & Limitation Acts.

(2) (a) Court fee and Suits Valuation Act (Indian & Rajasthan).

(b) Stamp and Registration Acts (Indian & Rajasthan).

Provided any candidate who has passed in all the subjects included in Paper III at the examination held by the University or by the Council of Legal Education in England will be exempted from appearing in that paper.

In Rule 20.—The Rule be deleted.

In Rule 21.—The rule be deleted.

In Rule 23.—The words "on or before the date notified by the Secretary" be substituted for the words "not less than 30 days.....".

In Rule 24.—Add the words "or cyclostyled" after the word "printed"

In Rule 25.—The figures "Rs. 40/-" be substituted by the figures "Rs. 60/-".

In Rule 30:—(1) In Rule 30 (a), the words "and the Viva-Voce Test", and

(2) In Rule 30 (1) (b), the words "including Viva-Voce Test" and the proviso, be deleted.

Rajasthan High Court, Jodhpur.

Jodhpur, June 1, 1965.

Notification No. 6/S.R.O.—The following amendments are made in the Rajasthan High Court Rules, 1952.

Rule framed by the Bar Council of Rajasthan under section 15 (2) (b) read with section 6(2) of the Advocate Act, 1961 are reproduced below. These Rules have been approved by the Bar Council of India on 5-12-1965.—

AMENDMENT No. (7)

I. Part II Chapter IX

Appeals and Applications.

The word 'sixty' occurring in the third line in rule 134 shall be substituted by the word 'thirty'.

II Part V—Chapter XXIII

Appeals to the Supreme Court of India.

Section A—Cases other than Criminal Cases.

The following shall be substituted for the existing rule 388,—

“Article 132 of the Schedule—Third Division Applications—of the Limitation Act (Act No. 36 of 1963) shall subject to the provisions of any law for the time being in force, also apply to petition for a certificate under Article 132 (1) or 135 of the Constitution.”

Section B—Criminal cases.

The word 'seven' occurring in the ninth line in Rule 413 (a) shall be substituted by the word 'sixty'.

[Pub. in Raj. Gaz 4, Ga)—Dt. 17-6-65—Page 40 (29)]

The Bar Council of Rajasthan
Jodhpur, September 6, 1967.

Notification No. RBC/Rules/67/2977.—In exercise of the powers conferred under the Advocates Act, 1961 the Bar Council of Rajasthan with the approval of the Bar Council of India, makes the following Rules and amendments in the Rules.

Rules under Section 15 (2) (i) of the Advocates Act, 1961.

PART IIA—RULES UNDER SECTION 15 (2) (i) OF THE ADVOCATES ACT, 1961.

1. These Rules shall be called the Bar Council of Rajasthan (Constitution, functions and term of office of the members of the Disciplinary Committee) Rules.

2. The candidates for election to the Disciplinary Committee shall be proposed and seconded and in case of contest the election shall be decided by show of hands. In the case of equality of votes, the Chairman shall exercise his casting vote.

3. Any casual vacancy shall be filled in by the Council from amongst its members or non-members as the case may be.

4. The Chairman shall assign and allocate all matters relating to the Disciplinary Committees amongst them if more than one such Committee is constituted or is in existence.

5. The term of office of all the members of the Disciplinary Committee elected under Section 9 of the Act shall be same as provided in Section 8 of the Act for the elected members of the Bar Council.

AMENDMENTS

Rules under Section 28 (2) (b), (a) read with Section 24(1) (d), (e) of the Advocates Act, 1961.

(Approved by the Bar Council of India on 17/13-8-1967.)

In Rule 5:—

The following be added:

“and the Bar Council shall register him as trainee if his intimation is found to be in accordance with the rules.”

Rule 5 B:—

The following new rule be added as Rule 5 B:—

“5-B. The prescribed fee of Rs. 50/- for a Course of lectures on the subjects for the Bar Council Examination shall be payable in 2 instalments of Rs. 25/- each—first along with the letter of intimation for commencement of training and second along with the application for attending lectures.”

In Rule 7:—

The words “One year” be substituted by the words “six months”

In Rule 9 (b):—

Add the following para at the end :—

“In case of non-receipt of any such statements for one or more months or irregularity in receipt of such statements, the Secretary may give notice to the candidate concerned for showing cause for such non-receipt or irregular receipt of statement as the case may be and unless the proper cause is shown and omission and irregularities are rectified to the satisfaction of the Secretary, he may place the case before the Executive Committee for appropriate direction and it will be open to the Executive Committee in an appropriate case to declare that the training of the defaulting candidate has ceased to be continued within the meaning of Rule 3.”

In Rule 11:—

(i) The words “One Year” be substituted by the words “Six months”.

(ii) The figure “20” be substituted by the figure “15”

(iii) The words “If continued illness the same,” be omitted and the words “which may condone the delay or extend the training for such period as it may think fit” be added after the words “the Council”.

In Rule 14:—

The rule be redrafted as under :—

“14. The Bar Council shall before enrolling a candidate satisfy itself that he has undergone full and proper training as prescribed by the rules and for this purpose it shall examine the Diaries maintained by him during the course of training and where it is not so satisfied it may extend the period of training as it may think fit.

THE BAR COUNCIL OF RAJASTHAN

Jodhpur, November 6, 1967.

Notification No. RBC/Rules/67.—In exercise of the powers conferred by clauses (a), (c), (d) & (f) of section 15 (2) of the Advocates Act, The Bar Council of Rajasthan with the approval of the Bar Council of India, as required U/s 15 (3) of the Advocates Act, makes the following rules regarding Election and Constitution of the Bar Council of Rajasthan.

Rules under section 15 (2)(a),(c),(d) and (f) of the Advocates Act, 1961.

THE BAR COUNCIL OF RAJASTHAN

Rules under the Advocates Act, 1961

All Rules come into force from the date they are approved by the Bar Council of India as required under the Advocates Act, 1961.

CHAPTER I

Rules under Section 15 (2) (a), (c), (d), and (f) of the Advocates Act:

(As adopted by the Bar Council of Rajasthan and approved by the Bar Council of India by Resolution No. 160 of 1967.)

RULES

1. **Short title.**—These Rules may be called the Bar Council of Rajasthan (Election & Constitution) Rules.

2. **Definitions.**—In these Rules, unless the context otherwise requires :

(i) "Act" means the Advocates Act, 1961.

(ii) "Advocate General" means the Advocate General of the State of Rajasthan.

(iii) "Bar Association" means a Bar Association included in a list kept by the Bar Council under these rules.

(iv) "Bar Council" means the Bar Council of Rajasthan.

(v) "Chairman" means the Chairman of the Bar Council of Rajasthan.

(vi) "Continuing Candidate" means any candidate not elected & not excluded from the poll at any given time.

(vii) "Count" means and includes:

(a) all the operations involved in the counting of first preferences recorded for candidates; or

(b) all the operations involved in the transfer of the surplus of an elected candidate; or

(c) all operations involved in the transfer of the total value of votes of an excluded candidate;

(d) all other operation involved in, incidental to, or necessary for the entire process of ascertainment of votes.

(viii) "District" means the territorial limits of a District Court.

(ix) "District Town" means the headquarters of a District Judge or the place where the District Court is situate.

(x) "Electoral Roll" means the Electoral Roll published under these Rules containing the list of voters at the Election held under these Rules.

(xi) "Exhausted Paper" means a voting paper on which no further preference is recorded for a continuing candidate and includes a voting paper on which—

(a) the names of two or more candidates, whether continuing or not, are marked with the same number in words and are next in order of preference; or

(b) the name of candidate next in order of preference whether continuing or not, is marked by a number in words not following consecutively after some other number on the voting paper or by two or more numbers in words.

(xii) "First Preference" means the number 'One' or 'First' in words set opposite the name of a candidate; "Second Preference" means the number 'Two' or 'Second' in words set opposite the name of a candidate;

"Third Preference" means the number 'Three' or 'Third' in words set opposite the name of a candidate; and so on and such numbers shall be written in words.

(xiii) "High Court" means the High Court of Rajasthan.

(xiv) "Original Vote" in relation to any candidate, means a vote derived from a voting paper on which a first preference is recorded for such candidate.

(xv) "Polling Officer" means the Officer Incharge of the Polling Centre, appointed by Returning Officer.

(xvi) "Returning Officer" means the Secretary.

(xvi) 'Secretary' means the Secretary of the Bar Council of Rajasthan and includes any person whosoever designated and entrusted for the time being with the duties of the Secretary.

(xviii) 'Surplus' means the number by which the value of votes, original and transferred, of any candidate exceeds the quota.

(xix) "Transferred Vote" in relation to any candidate, means a vote, the value or part of the value of which is credited to such candidate and which is derived from a voting paper on which a second or a subsequent preference is recorded for such candidate.

(xx) "Un-exhausted Paper" means a voting paper on which a further preference is recorded for a continuing candidate.

(xxi) "Voter" means any person whose name appears in the Electoral Roll prepared under Rule 4 of these Rules.

3. The Secretary shall compile a list of Bar Associations in the State and collect necessary and relevant information about the Advocates from the Bar Associations and secure any assistance in connection with the Election of the Bar Council.

4. Preparation and Publication of Electoral Roll, Disqualification of Membership and Vacation of Office.—The Rules framed by the Bar Council of India as amended upto date under section 3 (4), 10A, 15 (2) (a), 49(a) and 49 (ab) of the Act and contained in Part I, Chapter I of its Rules shall be applicable for the preparation and publication of Electoral Roll, Disqualification of membership and vacation of office.

5. Time and Place for Election.—The election of the members of the Bar Council shall be held at such places and on such dates and during such hours as the Chairman may appoint but not later than one month after, the expiry of the term of the elected members of the Bar Council. Different dates and different hours may be fixed for polling at different places.

6. Notice of election.—A notice containing the following information :

- (i) dates, time and place of receipt of Nominations;
- (ii) date and place of scrutiny of Nominations;
- (iii) dates of withdrawal of candidature;
- (iv) date or dates, time and place or places for polling;
- (v) date, time and place for scrutiny and counting of voting paper;
- (vi) declaration of the Election;

shall be given by publication of a notification in the Rajasthan Rajpatra under the signatures of the Secretary not less than 45 (forty five) days before the date of the Election. Such notice shall also specify the minimum number of seats that would be filled up by the persons, who on the last date of receiving nominations for election, have been advocates for at least 10 years on the State Roll, and in computing the said period of ten years in relation to any such person, there shall be included any period during which the person has been an advocate enrolled under the Indian Bar Councils Act, 1926.

The last date for filing of nominations shall not be less than 30 days before the date of election. The date of withdrawal shall be atleast after 5 clear days from the last day for nominations.

Copies of the notification shall be affixed on the Notice Board of the Bar Council, and sent to the Registrar, Rajasthan High Court, Bar Association and to District Courts, and to Subordinate Judicial Courts where District Courts are not situate, for display on their Notice Boards.

7. Candidates how to be Proposed (Nominations)—Every candidate for election as a member of the Bar Council shall be proposed by two voters in Form-A appended to these rules. The Nominations shall specify the date of candidate's enrolment as an advocate. It shall also contain the acceptance of the candidate proposed. The Nomination Paper, shall be delivered to the Secretary on or before the last date specified in the notification under Rule 5 alongwith a sum of Rs. 100/- as Deposit which, will be forfeited in case the candidate is unable to secure atleast 1/8 of the

quota fixed for being elected unless his Nomination Paper is rejected or he withdraws within the time notified or dies before the poll.

8. Scrutiny of Nomination Papers.—(1) The Secretary shall examine the nomination Papers and he shall place them before the Chairman, and in case he is contesting, before the Advocate General at the time and place fixed for the scrutiny of nomination papers.

(2) All objections regarding the validity of nomination paper shall be determined by the Chairman or the Advocate General as the case may be; and his decision shall be final subject to any decision by the Election Tribunal under these Rules.

(3) A nomination paper shall be rejected, if it does not conform to the requirements of these rules.

9. Withdrawal of candidature.—Any person whose name has been proposed as a candidate may withdraw his name by a communication in writing so as to reach the Secretary not later than the last date notified for the withdrawal of candidature under Rule 6 and thereupon his name shall be omitted from the list of the candidates.

10. Where the number of Candidates equal to or less than the number of Seats.—If the number of duly nominated candidates who have been on the State Roll for more than ten years is less than or equal to the number required by the Proviso to section 3 (2) of the Act, they shall be declared elected. The number thus elected shall be deemed to be the number required by the said Proviso. If the number of such candidates is in excess of the required number but the number of all the nominated candidates does not exceed the total number to be elected, all the candidates shall be declared elected. In every other case there shall be a poll as prescribed by these Rules.

11. List of candidates for Election.—As soon as may be and at least 20 clear days before the date fixed for the election a list of contesting candidates, along with the name of the place where they ordinarily practising be prepared by the Secretary indicating which of the candidates have been on a State Roll for at least 10 years. A copy of such list shall be posted on the Notice Board of the Bar Council and copies thereof shall be sent to the Registrar, Rajasthan High Court, Bar Association and to the District Courts, and to Subordinate Judicial Courts for display on their notice Boards. The copies of such list shall also be sent to the candidates.

12. Preparation of Voting or Ballot Papers.—(1) After notifying the names of the candidates under the preceding rule, sufficient number of voting papers shall be prepared in the form prescribed.

(2) The voting paper shall contain the names of all the candidates whose nominations have been found to be valid and who have not withdrawn as provided for the these Rules, The names in the voting paper shall be in the same form as in the final list of voters and be arranged, in alphabetical

order indicating which of the candidates have been on the State Roll for at least 10 years. The names of the place where the advocate is ordinarily practising shall be printed opposite the name of such candidate and the voting paper shall bear on it the facsimile of the Secretary's Signature or the initials, It shall state the number of members to be elected and out of which the minimum number to be elected from among advocates on the State Roll for over 10 years and shall be accompanied with necessary instructions in the prescribed form as to the date hour and place of election, the manner of voting, etc.

13. Who may be present during the scrutiny of Nomination Papers polling, scrutiny and counting of votes.—No Person shall be present during scrutiny of nomination papers, polling, scrutiny and counting of votes except the Chairman or the Advocate General, as the case may be the Secretary, Polling Officers and such other persons who may be appointed for assistance, the candidates and not more than one representative at a time of each candidate appointed in writing by him in the form prescribed.

Any person including candidate or his representative present during scrutiny of nomination papers, polling, scrutiny and counting of votes misconducts himself or fails to obey the lawful directions of the Secretary or polling Officer, as the case may be, removed from the place by the secretary or the polling Officer.

14. Conduct of Elections.—Elections and all matters relating thereto for which provision is made in these rules shall be conducted by the Secretary in the manner specified in these Rules. The Secretary may appoint polling Officers for one or more Polling Centres who shall be authorised to appoint other persons to assist him in the conduct thereof with or without remuneration as the Secretary may direct.

15. Place of Polling and Polling Centres.—There shall be atleast one polling centre at the seats of the High Court and Courts of District Judges, Civil Judges and Munsiffs. Provided that the Secretary may fix more places of polling and Polling Centres at a given place.

16. Polling Officers, etc.—The Secretary may either discharge the functions of the Polling Officer himself in one or more of the polling Centres or may appoint other persons to be polling officer or officers in respect of one or more polling centres duly authorised to appoint other persons to assist him in the conduct of Election.

The Polling Officers so appointed shall be required to carry out the directions of Secretary and shall be incharge of all arrangements at the polling centres and for the preservation of peace and order at and near the polling centres.

Every Officer, Assistant, Agent or any other persons who performs any duty in connection with the Election shall maintain and aid in maintaining complete secrecy of voting and shall not except for some purpose authorised by or under any law, communicate to any person any information calculated to violate such secrecy. Any person who contravenes this rule shall be dealt with according to law.

17. Arrangements for Despatch of voting papers and other articles to Mufcissil Areas.—(1) After polling Officers have been appointed at the Polling Centres, the Secretary shall send sufficient number of voting papers for supply to the voters entitled to record their votes at these polling centres.

(2) The Secretary shall issue all necessary instructions regarding the election to all the Polling Officers.

18. Supply of voting Papers to Voters.—The voter shall on the date of polling present himself personally at the polling centre at which he may be entitled to cast his vote, where a duly authorised polling assistant on being satisfied about the identity of voter shall deliver to him a voting paper along with the instructions after entering the number in the Marked Copy of the Electoral Roll and shall take his signatures on another signed copy of Electoral Roll against his name signifying receipt of Voting Paper.

19. Method of casting vote.—The voter shall then and there retire to a screened place and mark his preference following the instructions. He shall then put the Ballot paper in the Ballot Box kept in the Polling booth.

20. Sealing and Transmission of Voting Papers to the Secretary.—As soon as practicable after the closing of the poll, the Polling Officer shall—

- (a) enclose the Marked Copy of the Electoral Roll in a separate cover marked "MARKED ELECTORAL ROLL" close, sign and seal the same. The Polling Agents present may also, if so desire sign the same.
- (b) Prepare a Ballot Paper Account in the form prescribed and enclose the same in the cover marked "VOTING PAPER ACCOUNTS" close, sign and seal the same in the presence of the Polling agents and obtain their signatures if they so desire.
- (c) Make separate packets of :—
 - (1) Signed copy of the Electoral Roll,
 - (2) Receipt copy of the Electoral Roll,
 - (3) Un-used Ballot Papers,
 - (4) Cancelled Ballot Papers,
 - (5) Ballot Papers, and Tendered.
 - (6) Any other papers used at the Poll as may be directed by the Secretary close, sign and seal them in the presence of the Polling Agents and obtain their signatures if they so desire.
- (d) Put all the envelopes/Packets referred to above in a Canvas Bag or in Cloth Lined Envelope or in a Wooden Case and seal the same in the presence of Polling Agents and transmit that to the Secretary per Railway Parcel on Railway Risk or

Registered Post Parcel insured for Rs. 100/- or more by the next available mail.

- (e) Send the ballot boxes referred to in rule 19 containing the ballot papers to the Secretary of the Council or the Returning Officer as the case may be in accordance with the instructions issued.

21. Second Voting Paper not to be issued.—When a voting paper has been handed over, a second Voting Paper shall not be issued to the voter unless he satisfies the Secretary or the Polling Officer, as the case may be, that the Voting Paper already issued has been spoiled or mutilated or defaced in which case a duplicate Voting Paper may be issued.

The decision of the Secretary of the Polling Officer, as the case may be, whether a voting paper has or has not been defaced shall be final.

22. Method of Elections.—(i) Election to the Bar Council shall be by single transferable vote by and amongst the voters in the list published under these rules.

(ii) Voting shall not be by proxy and shall be in person at the polling centres.

23. Manner of Marking of voting Papers.—(i) Every voter shall give only one vote at the Election irrespective of the number of seats to be filled, but he can indicate the order of his preferences upto the total number of seats to be filled.

(ii) A voter in marking his vote shall place on the voting paper the number 'One' or 'First' in words in the space opposite the name of one of the candidates whom he chooses for his first preference. This number 'One' or 'First' in words should not be placed against the name of more than one candidate. Thereafter the number 'Two' or 'Second', 'Three' or 'Third', 'Four' or 'Fourth' in words and so on in the space opposite the names of other candidates in order of its preference.

(iii) A voter shall not be entitled to indicate his preference for more candidates than the number of seats to be filled.

(iv) A voting paper shall not be signed by the voter. Any voting paper containing erasure, obliteration or alteration shall be deemed to have been defaced and no votes purporting to have been given by them shall be taken into account for the purpose of the election.

24. Custody of all Election Papers uptill the date time and place for scrutiny and counting of Ballot Papers.—The Secretary shall keep the sealed Canvas Bags and the Ballot Boxes containing the Ballot Papers etc., in his custody until the time and date fixed for the scrutiny and counting of voting papers. Due notice of any change in the time and date and place appointed for scrutiny and counting of voting papers shall be given by post to all the candidates by the Secretary.

25. Voting papers when invalid.—(1) A voting paper shall be rendered invalid if the number 'one' or 'First' is not written against any candidate; or

(2) if number 'one' or 'First' in words or any other number in word is written opposite the name of the same candidate; or

(3) is so written as to tender it doubtful as to which candidate it is intended to apply; or

(4) if number 'One' or 'First' in words and other preferences such as number 'Two' or 'Second' in words. 'There' or 'Third' in words and so on are sent opposite the name of the same candidate; or

(5) if it is marked in figures and not in words; or signed by any voter; or

(6) if there is any mark by which the voter can be identified; or

(7) if there is any erasure, obliteration or alteration in the voting paper; or

(8) if it is defaced; or

(9) if an excessive number of preferences are indicated than the number of vacancies to be filled

26. Scrutiny of Voting Papers.—(i) The Secretary shall on the date and time fixed for scrutiny and counting of votes, open the sealed bags and Ballot Boxes containing the voting papers and shall collect all the voting papers together and shall record the number thereof in a statement in the presence of candidates or their authorised representatives who will be given an opportunity to inspect the bags and Ballot Boxes to satisfy themselves that they are in order.

(ii) The Secretary shall than scrutinize the voting papers and if, in his opinion, there is any doubt as to whether any voting paper is defaced or is otherwise invalid, he shall refer it to the Chairman or the Advocate General as the case may be for his decision. The number of voting papers rejected as invalid shall also be recorded.

(iii) The decision of the Chairman or the Advocate General, as the case may be, whether the voting papers is invalid or not shall be final.

27. Arranging of valid Papers and counting of votes.—After rejecting voting papers which are invalid or which cannot be taken into account for the purpose of the election under rules and recording their number, the Secretary shall:—

(a) arrange the remaining voting papers in parcels according to the first preference recorded for each candidate;

(b) count and record the number of papers in each parcel; and

(c) credit to each candidate the value of papers in his parcel.

28. Ascertainment of quota.—Every voting paper shall be deemed to be of the value of one hundred, and the quota sufficient to secure the return of a candidate at the election shall be determined as follows:—

- (a) add the values credited for a candidate under clause (c) of rule 27 above;
- (b) divide the total by a number which exceeds by one the number of seats to be filled; and
- (c) add one to the quotient, ignoring the remainder, if any, the resulting number is the quota.

COUNTING OF VOTES

29. Election of candidates with quota Exclusion of candidates lowest on poll or who have been on Rolls for less than 10 years, transfer of papers and filling last vacancies.—The procedure for the above shall be in accordance with the relevant rules framed by the Bar Council of India U/S 3 (2) etc., of the Act as amended upto date and contained in Part III Chapter II of the rules of the Bar Council of India.

30. Transfer of surplus.—(1) If at the end of any court, the value of the voting papers credited to a candidate is greater than the quota, the surplus shall be transferred in accordance with the provisions of the rule to the continuing candidates indicated on the voting papers of the candidate, as being next in order of the voter's preference.

(2) If more than one candidate have a surplus, the largest surplus shall be dealt with first and the others in order of magnitude:

provided that every surplus arising on the first court shall be dealt with before those arising on the second count and so on.

(3) Where there are more surpluses than one to distribute and two or more surpluses are equal, regard shall be had to the original votes of each candidate, and the candidate for whom more original votes are recorded shall have his surplus first distributed. and if the value of the original votes is equal, the Secretary shall decide by lot which candidate shall have his surplus first distributed.

(4) (a) If the surplus of any candidate to be transferred arises from the original votes only, the Secretary shall examine all the papers in the poll belonging to that candidate, divide the unexhausted papers into sub-parcels according to the next preference recorded thereon and make a separate sub-parcel of the exhausted papers.

(b) The Secretary shall ascertain the value of the papers in each sub-parcel and of all the unexhausted papers.

(c) If the value of the unexhausted papers is equal to or less than the surplus, the Secretary shall transfer all the unexhausted papers at the value at which they were received by the candidate whose surplus is being transferred.

(d) If the value of the unexhausted papers is greater than the surplus the Secretary shall transfer all the unexhausted papers and the value at which each paper shall be transferred shall be

ascertained by dividing the surplus by the total number of unexhausted papers.

(5) If the surplus of any candidate to be transferred arises from transferred as well as original votes, the Secretary shall re-examine all the papers in the sub-paragraph last transferred to the candidate, divide the unexhausted papers into sub-paragraphs according to the next preferences recorded thereon, and then deal with the sub-paragraph in the same manner as is provided in the case of sub-paragraphs referred to in sub-rule (4) above.

(6) The papers transferred to each candidate shall be added in the form of a sub-paragraph in the papers already belonging to such candidate.

(7) All papers in the parcel or sub-paragraph of an elected candidate not transferred under this rule shall be set apart finally dealt with.

31. Fraction to be disregarded.—In carrying out the provisions of rule 30, the Secretary shall disregard all fractions and ignore all preference recorded for candidates already elected or excluded from poll.

32. Result of Election & its publication.—(1) Upon the completion of the counting of votes, a list of candidates elected to the Bar Council shall be prepared and signed by the Secretary. The same shall thereafter be submitted to the Chairman or the Advocate General as the case may be, who shall certify the same under his signatures and then the list shall be deemed to be final.

(ii) A copy of the list of successful candidates shall be notified on the Notice Board of the Bar Council. The copies of the same shall be sent to the Bar Council of India, High Court, District Courts and Bar Association and to Subordinate Judicial Courts where the District Courts are not situate, for display on their Notice Boards.

(iii) The list shall be published in the Rajasthan Rajpatra and on such publication the persons whose names appear in the list shall be deemed to have been declared as elected to the Bar Council of Rajasthan.

33. Dispute above the validity of Elections.—(a) A candidate may contest the validity of the election of a candidate declared to have been elected to the Bar Council under Rule 35 (ii) by an Election Petition signed by him, accompanied with a fee of Rs. 50/- addressed to the Bar Council. Such Election Petition shall be delivered to the Secretary not later than 15 days from the date of Notification in the Rajasthan Rajpatra under rule 35 (iii) and shall state the grounds on which the validity of election is contested. The Election Petition shall also accompany a Deposit of Rs. 200/- as Security and shall be verified as a plaint.

(b) After the expiry of 15 days from the date of such Notification the validity of the election of a candidate shall not be challenged by any person on any ground what-so-ever.

(c) The Secretary on receipt of any such Election Petition as mentioned in sub-rule (a) shall refer the dispute to the authority specified in rule 34:

(d) An election petition will lie on the following grounds—

- (i) corrupt practice as hereinafter mentioned.
- (ii) breach of or non-compliance with any provisions of the Advocates Act 1961 or the rules made thereunder, provided such breach or non-compliance has materially effected the result of the election.

(e) A person shall be deemed to have committed corrupt practice within the meaning of the last preceding sub-rule;

- (i) Bribery and undue influence that is to say, if the candidate or any person who is acting under the general or the special authority of such candidate with reference to the election, offers or gives any money or valuable consideration or holds out any promise for the benefit of the person himself or any one in whom he is interested or holds out any threat or injury to any person or employs the influence of an executive or Judicial Officer of the Government with the object, directly or indirectly to inducting:—

(1) a Person to stand or not to stand as or to withdraw from being, a candidate, or to retire from contest, at an elections; or

(2) any elector to vote or refrain from voting at an election.

- (ii) If he or any person who is acting under the general or the special authority of such candidate with reference to the election gives, procures or abates the giving of a vote in the name of voter who is not the person giving such vote; or

- (iii) if he or any person who is acting under the general or the special authority of such candidate with reference to the election delivers or induces any voter to deliver by hand or post any vote or voting papers except his own.

34. **Determination of Election Disputes.**—All disputes arising under rule 33 shall be decided by a Committee of three advocates to be nominated by the Chairman of the Bar Council of India. Such Committee shall for the purposes of discharging its functions, exercise the same powers as are conferred on the Disciplinary Committee under section 42 (1) (a) to (e) of the Act.”

35. **Casual vacancy.**—A casual vacancy among elected members of the Bar Council shall be deemed to occur if a member:—

- (a) dies; or
- (b) resigns his office or is appointed as Advocate General;
- (c) is adjudged as an insolvent or lunatic; or
- (d) is suspended from practice; or
- (e) his name is removed from the roll of Advocates of the Bar Council for any reason including transfer to the roll of another State Bar Council; or

- (f) his election is declared invalid by the Tribunal of Advocates constituted under rule 34; or
- (g) is declared by the Bar Council of which he is a member to have been absent without sufficient excuse for three consecutive meetings of the Bar Council.

36. **Method of filling up of casual vacancy.**—Any casual vacancy, in the Bar Council shall be filled up by the remaining members of the Council at a meeting thereof provided that if the number of members of the Council who have been on the roll for more than 10 years is less than that required under the proviso to Section 3 (2) of the Act, the member coopted shall be one who has been on the State roll for more than 10 years.

37. **Election of Chairman and Vice-Chairman.**—(a) The Bar Council in its first meeting, after it is constituted shall elect a Chairman and a Vice-Chairman from amongst its members. This meeting shall be presided by the Senior most member of the Bar Council who is not contesting.

(b) The candidate for election as a Chairman or a Vice-Chairman shall be duly nominated by a proposer and a seconder.

(c) The Secretary shall appoint a date for convening a meeting for the purpose of electing a Chairman and a Vice Chairman and for conducting other important business. The notice of the date, time and place of such meeting shall be given to all the members of the Bar Council.

(d) any person whose name has been proposed as a candidate for the office of Chairman or Vice-Chairman, may withdraw his name.

(e) When only one candidate is proposed for the Post, he shall be declared elected.

(f) When more than one candidate have been proposed election shall be by secret ballot.

(g) In the case of equality of votes, the matter shall be decided by drawing of lot and the candidate in whose favour the lot falls shall be declared to have been elected.

(h) The name of the person elected as Chairman or Vice-Chairman shall be notified by the Secretary on the Notice Board of the Bar Council and a copy of the same shall be sent for publication in Rajasthan Rajpatra.

(i) A candidate may contest the validity of election of Chairman and the Vice-Chairman by an Election Petition signed by him and addressed to the Bar Council. The Election Petition should reach the Secretary not later than 7 days of the date of declaration of the result of election of the Chairman and the Vice Chairman, and shall state the grounds on which the validity of the election is contested duly verified as a plaint.

(j) Any dispute under sub-rule (i) shall be referred to the authority specified in rule 34 and shall be decided by that authority after such enquiry as it may deem fit and proper.

(k) Subject to the provisions of sub-rule (j) the election of the Chairman and the Vice-Chairman shall be final on the expiry of 7 days from the date of declaration of result of the election.

(l) The Chairman elected shall preside and conduct further business of the meeting, if any.

38. In case of any conflict between these rules and the rules framed by the Bar Council of India, the rules of the Bar Council of India shall prevail.

39. The Bar Council may from time to time prescribe the necessary Forms or amend the Forms already prescribed under these Rules.

FORM "A"

THE BAR COUNCIL OF RAJASTHAN

Nomination Paper.

(Under Rule 7)

ELECTIONS-19

The undersigned advocates nominate Shri.....
 Advocate whose name is at S. No on the Electoral
 Roll. His ordinary place of practice is He was
 enrolled as advocate on and his name has been/has not
 been on the State rolls for at least 10 years as required under section 3(2)
 (b) of the Advocates Act, 1961.

Proposer

No. 1

Signature

Proposer

No. 2

Signature

Name Name

Place Place

S. No. on Electoral Roll S. No. on Electoral Roll

CONSENT OF CANDIDATE

I am willing to serve on the Bar Council of Rajasthan if elected. I have deposited a sum of Rs. 100/- in Case/Demand Draft/Money Order as required under the Rules. The period for which my name has been on the Roll of Advocates is.....years.

Signature of the Candidate.

Place.....

Name in full

Dates

S. No. of Election Roll.....

THE BAR COUNCIL OF INDIA RULES

PART VI

Rules governing Advocates

CHAPTER I

Restrictions on Senior Advocates (Rules under section 16 (3) and 49 (g) of the Act).

Rules framed by the Bar Council of India

Senior Advocates shall, in the matter of their practice of the profession of law mentioned in section 30 of the Act, be subject to the following restrictions:—

(a) A senior advocate shall not file a vakalat or act in any Court, or Tribunal, or before any person or other authority mentioned in section 30 of the Act.

Explanation:—“To Act” means to file an appearance or any pleading or application in any court, or Tribunal or before any person or other authority mentioned in section 30 of the Act, or to do any act other than pleading required or authorised by law to be done by a party in such Court, or Tribunal, or before any person or other authority mentioned in the said section either in person or by his recognised agent or by an advocate or an attorney on his behalf.

(b) (i) A Senior Advocate shall not appear without an Advocate on Record in the Supreme Court or without an advocate in Part II of the Common Roll in any Court, or Tribunal, or before any person or other authority mentioned in section 30 of the Act.

(ii) Where a Senior Advocate has been engaged prior to the coming into force of the Rules in this Chapter, he shall not continue thereafter unless an advocate in Part II of the Common Roll is engaged along with him. Provided that a senior advocate may continue to appear without an advocate in Part II of the Common Roll in cases in which he had been briefed to appear for the prosecution or the defence in a criminal case, if he was so briefed before he is designated as a Senior Advocate or before coming into operation of the Rules in this Chapter as the case may be.

(c) He shall not accept instructions to draft pleadings or affidavits, advice on evidence or to do any drafting work of an analogous kind in any Court, or Tribunal, or before any person or other authority mentioned in section 30 of the Act or undertake conveyancing work of any kind whatsoever. This restriction however shall not extend to settling any such matter as aforesaid in consultation with an advocate in Part II of the Common Roll.

(d) He shall not accept directly from a client any brief of instructions to appear in any Court, or Tribunal; or before any person or other authority in India.

(e) A Senior Advocate who had acted as an Advocate (Junior) in a case, shall not after he has been designated as a Senior Advocate, advise on grounds of appeal or appear in a court of appeal or in the Supreme Court, except with an advocate as aforesaid.

(f) A Senior Advocate may in recognition of the services rendered by an advocate in Part II of the Common Roll appearing in any matter pay him a fee which he considers reasonable.

CHAPTER II

STANDARDS OF PROFESSIONAL CONDUCT AND ETIQUETTE

(Rules under section 49 (c) of the Act) Preamble

An Advocate shall, at all times, comport himself in a manner befitting his status as an officer of the court, a privileged member of the community, and a gentleman, bearing in mind that what may be lawful and moral for a person who is not a member of the Bar, or for a member of the Bar in his non-professional capacity may still be improper for an Advocate. Without prejudice to the generality of the foregoing obligation, an Advocate shall fearlessly uphold the interests of his client; and in his conduct conform to the rules hereinafter mentioned both in letter and in spirit. The rules hereinafter mentioned contain canons of conduct and etiquette adopted as general guides; yet the specific mention thereof shall not be construed as a denial of the existence of others equally imperative though not specifically mentioned.

Section I-Duty to the Court.

1. An Advocate shall, during the presentation of his case and while otherwise acting before a court, conduct himself with dignity and self-respect. He shall not be servile and whenever there is proper ground for serious complaint against a judicial officer, it shall be his right and duty to submit his grievance to proper authorities.

2. An Advocate shall maintain towards the courts a respectful attitude, bearing in mind that the dignity of the judicial office is essential for the survival of a free community.

3. An Advocate shall not influence the decision of a court by any illegal or improper means. Private communications with a judge relating to a pending cause are forbidden.

4. An Advocate shall use his best efforts to restrain and prevent his client from resorting to sharp or unfair practices or

from doing anything in relation to the court, opposing counsel or parties which the Advocate himself ought not to do. An Advocate shall refuse to represent the client who persists in such improper conduct. He shall not consider himself a mere mouth piece of the client, and shall exercise his own judgment in the use of restrained language in correspondence, avoiding scurrilous attacks in pleadings, and using intemperate language during arguments in court.

5. An Advocate shall appear in court at all times only in the prescribed dress, and his appearance shall always be presentable.

6. An Advocate shall not practise before a Judge sitting alone or a Bench of Judges, if the Judge or any member of the Bench is related to the Advocate as husband, father, grandfather, son, grandson, brother, father-in-law, son-in-law, brother-in-law, uncle, nephew, first cousin, wife, mother, daughter, sister, mother-in-law, daughter-in-law, sister-in-law, aunt or niece.

7. An Advocate shall not wear bands or gown in public places other than in courts except on such ceremonial occasions and at such places as the Bar Council of India or the Court may prescribe.

8. An Advocate shall not appear in or before any Court or tribunal or any other authority for or against an organisation of an institution, society or corporation, if he is a member of the Executive Committee of such organisation or institution or society or corporation. "Executive Committee", by whatever name it may be called, shall include any committee or body of persons which, for the time being, is vested with the general management of the affairs of the organisation or institution, society or corporation.

9. An Advocate should not act or plead in any matter in which he is himself pecuniarily interested.

Illustration.

I. He should not act in a bankruptcy petition when he himself is also a creditor of the bankrupt.

II. He should not accept a brief from a company of which he is a director.

10. An Advocate shall not stand as a surety, or certify the soundness of a surety, for his client required for the purpose of any legal proceedings.

Section II—Duty to the Client.

11. An Advocate is bound to accept any brief in the courts or tribunals or before any other authority in or before

which he professes to practise at a fee consistent with his standing at the Bar and the nature of the case. Special circumstances may justify his refusal to accept a particular brief.

12. An Advocate shall not ordinarily withdraw from engagements, once accepted, without sufficient cause and unless reasonable and sufficient notice is given to the client. Upon his withdrawal from a case, he shall refund such part of the fee as has not been earned.

13. An Advocate should not accept a brief or appear in a case in which he has reason to believe that he will be a witness, and if being engaged in a case, it becomes apparent that he is a witness on a material question of fact, he should not continue to appear as an Advocate if he can retire without jeopardising his client's interests.

14. An Advocate shall, at the commencement of his engagement and during the continuance thereof, make all such full and frank disclosures to his client relating to his connection with the parties and any interest in or about the controversy as are likely to affect his client's judgement in either engaging him or continuing the engagement.

15. It shall be the duty of an Advocate fearlessly to uphold the interests of his client by all fair and honourable means without regard to any unpleasant consequences to himself or any other. He shall defend a person accused of a crime regardless of his personal opinion as to the guilt of the accused, bearing in mind that his loyalty is to the law which requires that no man should be convicted without adequate evidence.

16. An Advocate, appearing for the prosecution in a criminal trial shall so conduct the prosecution that it does not lead to conviction of the innocent. The suppression of material capable of establishing the innocence of the accused shall be scrupulously avoided.

17. An Advocate shall not, directly or indirectly, commit a breach of the obligations imposed by Section 126 of the Indian Evidence Act.

18. An Advocate shall not, at any time, be a party to fomenting of litigation.

19. An Advocate shall not act on the instructions of any person other than his client or his authorised agent.

20. An Advocate shall not stipulate for a fee contingent on the results of litigation or agree to share the proceeds thereof.

21. An Advocate shall not buy or traffic in or stipulate for or agree to receive any share or interest in any actionable

claim. Nothing in this Rule shall apply to stock, shares and debentures or government securities, or to any instruments which are, for the time being, by law or custom negotiable or to any mercantile document of title to goods.

22. An Advocate shall not, directly or indirectly, bid for or purchase, either in his own name or in any other name, for his own benefit or for the benefit of any other person, any property sold in the execution of a decree or order in any suit, appeal or other proceeding in which he was in any way professionally engaged. This prohibition however, does not prevent an Advocate from bidding for or purchasing for his client any property which his client may himself legally bid for or purchase, provided the Advocate is expressly authorised in writing in this behalf.

23. An Advocate shall not adjust fees payable to him by his client against his own personal liability to the client, which liability does not arise in the course of his employment as an Advocate.

24. An Advocate shall not do anything whereby he abuses or takes advantage of the confidence reposed in him by his client.

25. An Advocate should keep accounts of the client's money entrusted to him, and the accounts should show the amounts received from the client or on his behalf, the expenses incurred for him and the debits made on account of fees with respective dates and all other necessary particulars.

26. Where moneys are received from or on account of a client, the entries in the accounts should contain a reference as to whether the amounts have been received for fees or expenses, and during the course of the proceedings, no Advocate shall, except with the consent in writing of the client concerned, be at liberty to divert any portion of the expenses towards fees.

27. Where any amount is received or given to him on behalf of his client, the fact of such receipt must be intimated to the client, as early as possible.

28. After the termination of the proceeding, the Advocate shall be at liberty to appropriate towards the settled fee due to him, any sum remaining unexpended out of the amount paid or sent to him for expenses, or any amount that has come into his hands in that proceeding.

29. Where the fee has been left unsettled, the Advocate shall be entitled to deduct out of any moneys of the remaining in his hands, at the termination of the proceeding for which he had been engaged, the fee payable under the rules of the court

in force for the time being, or by then settled and the balance, if any, shall be refunded to the client.

30. A copy of the client's account shall be furnished to him on demand provided the necessary copying charge is paid.

31. An Advocate shall not enter into arrangements whereby funds in his hands are converted into loans.

32. An Advocate shall not lend money to his client for the purpose of any action or legal proceeding in which he is engaged by such client.

Explanation.—An advocate shall not be held guilty of a breach of this rule, if, in the course of a pending suit or proceeding, and without any arrangement with the client in respect of the same, the Advocate feels compelled by reason of the rule of the court, to make a payment to the court on account of the client for the progress of the suit or proceeding.

33. An Advocate who has, at any time, advised in connection with the institution of a suit, appeal or other matter or has drawn pleadings, or acted for a party, shall not act, appear or plead for the opposite party.

Section III.—Duty to Opponent.

34. An Advocate shall not in any way communicate or negotiate upon the subject matter of controversy with any party represented by an Advocate except through that Advocate.

35. An Advocate shall do his best to carry out all legitimate promises made to the opposite party even though not reduced to writing or enforceable under the rules of the court.

Section IV.—Duty to colleagues.

36. An Advocate shall not solicit work or advertise, either directly or indirectly, whether by circulars, advertisements, touts, personal communications, interviews not warranted by personal relations, furnishing or inspiring newspaper comments or procuring his photograph to be published in connection with cases in which he has been engaged or concerned. His signboard or name-plate should be of a reasonable size. The signboard or name plate or stationery should not indicate that he is or has been President or Member of a Bar Council or of any Association or that he has been associated with any person or organisation or with any particular cause or matter or that he specialises in any particular type of work or that he has been a Judge or an Advocate General.

37. An Advocate shall not permit his professional services or his name to be used in aid of, or to make possible, the unauthorised practice of law by any lay agency.

38. An Advocate shall not accept a fee less than the fee taxable under the rules when the client is able to pay the same.

39. An Advocate shall not enter appearance in any case in which there is already an Advocate on record except with his consent.

Section V.—Restrictions on other employments.

40. An Advocate shall not personally engage in any business; but he may be a sleeping partner in a firm doing business provided that, in the opinion of the appropriate State Bar Council the nature of the business is not inconsistent with the quality of the profession.

41. An Advocate Director or Chairman of the Board of Directors of a Company with or without any ordinary sitting fee, provided none of his duties are of an executive character. An Advocate shall not be a Managing Director or a Secretary of any Company.

42. An Advocate shall not be a full-time salaried employee of any person, firm, corporation or concern, so long as he continues to practise, and shall, on taking up any such employment, intimate the fact to the Bar Council on whose roll his name appears, and shall thereupon cease to practise as an Advocate so long as he continues in such employment.

43. An Advocate who has inherited, or succeeded by survivorship to, a family business may continue it, but may not personally participate in the management thereof. He may continue to hold a share with others in any business which has descended to him by survivorship or inheritance or by will, provided he does not personally participate in the management thereof.

44. An Advocate may review Parliamentary Bills for a remuneration, edit legal text-books at a salary, do 'Press wetting' for newspapers, coach pupils for legal examinations, set and examine question papers; and, subject to the rules against advertising and full-time employment, engage in broadcasting, journalism, lecturing and teaching subjects, both legal and non legal.

CHAPTER III

Conditions for right to practice

(Rules under Section 49 (ah) of the Act)

1. Every Advocate shall be under an obligation to see that his name appears on the roll of the State Council within

whose jurisdiction he ordinarily practises: Provided that this rule shall not apply to advocates whose names are entered in the common roll and are not entered in any State Roll.

2. Every Advocate shall keep informed the Bar Council on the roll of which his name stands, of every charge of his address.

3. The council or a State Council can call upon an Advocate to furnish the name of the State Council on the roll of which his name is entered, and call for other particulars.

4. (a) Any Advocate who voluntarily suspends practice for any reason whatsoever shall intimate such suspension to the State Council in the roll of which his name is entered. In the case of an Advocate whose name is in the common roll and is not entered in any State roll, intimation of such suspension shall be given to the Council.

(b) A similar intimation shall be given by every advocate on resumption of practice.

5. (a) An Advocate whose name has been removed by order of the Supreme Court or a High Court or the Bar Council as the case may be, shall not be entitled to practice the profession of law either before the Courts and authorities mentioned under Section 30 of the Act, or in chambers, or otherwise.

(b) Any Advocate who is under suspension, shall be under the same disability during the period of such suspension as an Advocate whose name has been removed from the roll.

PART VII

Procedure to be followed by Disciplinary Committees of the State Bar Councils, and the Bar Council of India.

(Rules under Section 49 (f) of the Act)

A. Matters arising under Section 35 and 36 of the Act.

1. A complaint against an Advocate shall be in the form of a petition duly signed and verified as required under the Code of Civil procedure: If the complaint is not in English, a translation thereof in English shall be filed along with the same.

Every complaint shall be accompanied by the fee as prescribed in the rules framed under section 49 (h) of the Act.

2. (i) If after a perusal of the complaint and the other records referred to it and the further explanation of the complaint, if any, the Disciplinary Committee does not summarily reject the complaint, and (ii) in all cases *suomoto* referred to the disciplinary Committee by the Bar Council of India, or the State Bar Council, as the case may be, a date shall be fixed for

the hearing of the case and notices of the hearing shall be sent in form 'F' and 'G' in the annexure in this Chapter.

3. At the hearing, the complainant or the person if any, who is aggrieved by the misconduct of the advocate, shall be entitled to appear in person or by Counsel in support of the complaint. Where the complainant or the aggrieved party does not appear in person or by counsel, the Bar Council may proceed with the matter and in a fit case may appoint a counsel for assisting the Council on payment of fees if necessary.

4. Notices issued under these rules shall ordinarily be sent by registered post (acknowledgement due) or in such other manner as the Committee may direct.

5. In the proceeding under these rules, the parties may be directed to serve or file such number of copies of the complaint or other documents as may be necessary.

6. The Chairman of the Disciplinary Committee shall fix a date, hour and place of the enquiry which shall not ordinarily be later than sixty days from the receipt of the reference. The Secretary shall give notice of such date, hour and place to the complainant or other person aggrieved, the Advocate concerned and the Attorney General or the Additional Solicitor General of India or the Advocate General as the case may be, and shall also serve on them copies of the complaint and such other documents as the Chairman of the Committee may direct at least 15 days before the date fixed for the enquiry.

7. The Advocate concerned shall submit his statement of defence together with any documents or affidavits in support of his defence within a time which shall be intimated to him in or at the same time as the notice referred to above. The complainant or the person aggrieved shall be entitled to file a reply together with such documents on which he proposes to rely in support thereof within such time as may be allowed by the Chairman of the Disciplinary Committee.

8. In any such enquiry, the advocate concerned may appear either in person or by counsel.

9. The Disciplinary Committee shall hear the Attorney General, or the Additional Solicitor General of India, or the Advocate General, as the case may be or their counsel, and the parties or their counsel, and determine the matter on documents and affidavits unless it is of the opinion that it should be in the interest of justice to permit cross examination of the deponents or to take oral evidence, in which case the procedure followed for the trial of civil suits, shall as far as possible be followed.

10. The finding of the majority of the members of the Disciplinary Committee shall be the finding of the committee. The reasons given in support of the finding may be given in the form of a judgement, and in the case of a difference of opinion, any member dissenting shall be entitled to record his dissent giving his own reasons. It shall be competent for the Disciplinary Committee to award such costs as it thinks fit. The Disciplinary Committee may make any of the orders which it is entitled to make under the Act.

The order of the Disciplinary Committee shall be communicated to the complainant, or the aggrieved party, and the advocate concerned as soon as may be, by the Secretary.

11. The parties shall be entitled to obtain copies of the documents, affidavits and oral evidence, if any on payment of such fees as are prescribed.

12. (a) Evidence given before the Disciplinary Committee shall be recorded in English either by a shorthand writer or by any other person authorised by the Committee in such manner as it may direct.

(b) The evidence whether taken by the shorthand writer or other person or the Chairman or the member shall be signed by the Chairman or any member of the Disciplinary Committee chosen by the Chairman and shall form part of the record.

13. (a) Whenever any Disciplinary Committee, after having heard and recorded the whole or any of the evidence in an enquiry or trial ceases to exercise jurisdiction therein and is succeeded by another Disciplinary Committee which has and which exercises such jurisdiction, the Disciplinary Committee so succeeding may act on the evidence so recorded by its predecessor, or partly recorded by itself, provided that if the succeeding Disciplinary Committee is of the opinion that further examination of any of the witnesses whose evidence has also been recorded, is necessary in the interest of justice, it may resummon any such witness and after such further examination cross examination and re-examination, if any, as it may permit the witness shall be discharged.

(b) When a case is withdrawn by a Disciplinary Committee of the Bar Council of India from a Disciplinary Committee of a State Bar Council the latter shall be deemed to have ceased to exercise jurisdiction therein and to have been succeeded by the former within the above meaning.

B. Appeals to the Bar Council of India under Section 37 of the Act.

14. An appeal provided for under section 37 of the Act shall be in the form of a memorandum in writing. If the appeal

is in a language other than English, it shall be accompanied by a translation thereof in English.

15. (a) Every appellant shall file with the memorandum of appeal,—

(i) an authenticated copy of the order appealed against;

(ii) five additional copies of the memorandum of appeal if there is only one respondent, and if there is more than one respondent, such number of additional copies as there are respondents.

(b) Every memorandum of appeal shall be accompanied by the fee prescribed which may be paid in cash or sent by money order.

(c) Every appellant shall state in his memorandum of appeal how his appeal is within time.

16. An appeal may be presented by the appellant or by his recognised agent to the office of the Bar Council of India, or sent by registered post acknowledgement due so as to reach the Secretary. Bar Council of India on or before the last day of limitation.

Every appeal filed after the expiry of the period of limitation shall be accompanied by a petition for extending the period of limitation supported by a proper affidavit.

17. The Chairman of the Disciplinary Committee, shall fix the date, hour and place for the hearing of the appeal.

18. The Secretary shall cause—

(i) the date fixed for the hearing of the appeal to be communicated to the appellant, or his—recognised agent, and

(ii) notice of appeal with a copy of the memorandum of appeal to be served on the respondent or respondents as the case may be.

19. The parties can appear in person or by an advocate. Service on the advocate shall be deemed to be service on the parties, and no personal service on the party shall be necessary.

20. The Secretary shall issue notices to the State Council or the State Councils concerned for the original records to be produced.

C. Preliminary directions on appeal and application for stay or other interlocutory relief.

21. An application for stay shall be accompanied by an affidavit and the fee, if any, prescribed by the rules of the Council made under section 49 (h) of the Act. Where the affidavit is not in English, a translation thereof in English shall be filed. The applicant shall file with his application at least 5

copies of the application, and the affidavit and as many additional copies thereof as there are respondents. Where the application is not in English, 5 copies of English translation thereof shall also be filed.

22. For the purpose of giving any preliminary directions in respect of any appeal filed before the Disciplinary Committee or of any application for stay or other interlocutory relief in any such appeal, it shall not be necessary for the Disciplinary Committee to meet; appropriate orders thereon may be passed by circulation.

23. The order of the disciplinary committee disposing of the appeal shall be communicated to the parties.

FORM 'F'

(Under Rule 2 in Part VII)

*Notice of hearing of Complaint under Section 35/36 of the
Advocates Act, 1961*

and Rule 2, Part VII of the Rules of the Bar Council of India.

**BEFORE THE DISCIPLINARY COMMITTEE OF THE
BAR COUNCIL OF D. C. ENQUIRY No. 1196.**

.....
(with Address)

Complainant

Vs.

.....
(with Address)

Respondent/s

Whereas a Complaint dated against respondent/s, a copy of which is sent herewith has been referred for disposal to the above Committee of the Bar Council.....under section 35/36 of the Advocates Act, 1961 and the Disciplinary Committee, has fixed.....(time) on.....(date) for the hearing of the case at.... (place) in accordance with the procedure prescribed under the relevant rules of the Council.

2. The Respondent shall submit his statement of defence together with any documents or affidavits in support of his defence within..... days from the date of this notice. The Complainant shall be entitled to file a reply to the statement of defence together with such documents on which he proposes to rely in support thereof within ... days.

THE BAR COUNCIL OF RAJASTHAN

Dated the 12th May, 1966

Notification No. R.B.C/Rules/66.—The following amendments as published in the Gazette of India Part III section 4, dated 30th October, 1965 to amend the rules governing Advocate framed by the Bar Council of India, published in the Gazette of India in Part III, section 4, dated 21st August, 1966 and reproduced in the Rajasthan Rajpatra in Part IV (c), dated the 7th April, 1966, are hereby published for the information of the Advocates of Rajasthan:—

I. In Part VII.—(1) In rule 18 add the latter “(a)” before the words “The Secretary shall cause”, and add the following as 18 (b):—

“18 (b) Any of the parties may be required to file.—(1) translations in English of any of the documents or evidence recorded in their case;

(ii) Such number or sets of typed papers as may be considered necessary for use by the members of the Disciplinary Committee and by the other parties in the appeal.”

(2) Renumber existing rules 21 and 22 as rules 22 and 23 respectively. Renumber the existing rule 23 as rule 21, to occur after rule 20.

II. In Part VIII.—(1) In rule 1 (b), add the word “State”, before the Word “Council”.

(2) In Rule 3 (a) and 3 (b), In lieu of the words “any Disciplinary proceeding” substitute the words “any proceeding” and add the words “or a Committee thereof” after the words “or the Council”.

III. Corrigendum in the revised rules of the Bar Council of India published in the Rajasthan Rajpatra Part IV (c), dated 7th April, 1966.—(1) In the Notification, the date “21st August, 1961” be corrected as “21st August, 1965” and the following be added:—

“The rules of the Bar Council of India come into force in lieu of the existing rules, if any, from the date of publication in the Gazette of India”.

(2) In Part VI Chapter II.—(i) In rule 22 in lieu of the words “degree or order” substitute the words “decree or order”.

(ii) In rule 41, the words “may be a” be inserted after the words “An Advocate” and before the words “Director or Chairman”.

(3) In Part VII.—(i) In rule 2 (1), correct the word “complaint” as “complainant”.

(ii) In Form F on Page 14 & 15, delete the words “to the” occurring between the words “of” and the “to the Secretary”.

3. The parties above-named are required to appear in person or through counsel before the said Committee on the said date, time and place or any other date or dates and place to which the matter may be adjourned. It shall be opened to the parties to examine the witnesses that may be permitted before the Disciplinary Committee.

4. If, on any date of hearing any party is absent, the hearing will proceed *ex parte* against him.

5. is required to file..... copies of to the..... to the Secretary, Bar Council of . on or before

Dated this the day of the month .. 196.

By Order,
Secretary,
Bar Council of

FORM 'G'

(Under Rule 2 in Part VII)

From:

The Secretary,
Bar Council of

To,

The Attorney General/Advocate General,
Additional Solicitor General of India.

.....
Notice under section 35/36 of the Advocates Act, 1961

Sir,

Please find enclosed copy of a notice dated..... issued under section 35/36 of the Advocates Act, 1961 for the hearing of a case before the Disciplinary Committee of the Bar Council of.....

Date:

Secretary,

Place :

Bar Council of

PART VIII

Fees leviable under the Act
(Rules under Section 49 (h) of the Act)

1. A State Council may levy fees, not exceeding the limits prescribed hereunder, in any of the following matters:—

- (a) Petition challenging the election of one or all the members of the State Bar Council

Rs. 50/-

- (b) For admission of a candidate to a course of lectures on the subjects prescribed under the rules of the Council. Rs. 50/-
- (c) For the examination conducted by the State Council, on all the subjects for an examination. Rs. 100/-
- (d) For appearing separately for one or more papers at an examination. Rs. 20/- per paper
- (e) For a complaint of professional misconduct under section 35 of the Act. Rs. 25/-

Provided that no fees shall be leviable on complaints made by any court or tribunal, or in respect of cases falling within the provisions of the Advocates (Removal of Difficulties) No. 2 Order, 1963.

- (f) For a certificate as to the date of enrolment and the continuance of the name of the advocate on the roll. Rs. 5/-
- (g) For the requisite certificates required to be produced with the transfer application under section 8 of the Act. Rs. 10/-
- (h) For inspection by the complainant or the concerned advocates, of documents relating to disciplinary matters. Rs. 1/-
- (i) For inspection of the roll of advocates of the voters list. Rs. 2/-

2. A fee as specified hereunder shall be paid in the following matters:—

- (a) On a complaint of professional misconduct referred under section 36 of the Act. Rs. 25/-

Provided that no fee shall be leviable on complaints made by any court or tribunal, or in respect of cases falling within the provisions of the Advocates (Removal of Difficulties) No. 2 Order, 1963.

- (b) On an appeal filed under section 37 of the Act. Rs. 50/-
- (c) An application for stay made to the Council under section 40 of the Act. Rs. 10/-

3. (a) Every application for an authenticated copy of any certificate, order or other proceeding, entry on any roll or list of marks, or any document or deposition in a disciplinary proceeding, before a State Council or the Council shall be accompanied by a fee of Re. 1/- and the copying charges as follows:—

| | |
|--|------------|
| Every exemplification of the order or other documents in addition to the folio and other charges | Rs. 2/- |
| Copying charges for a folio | Rs. 0.62/- |

A Folio shall be deemed to consist of two hundred words; seven figures shall be counted as one word; and more than half a folio shall be reckoned as a folio.

(b) In disciplinary proceedings, summons to witnesses shall only be issued on payment of requisite batta and/or charges according to the rates prescribed by the High court, in the case of a State Council and the Supreme Court in the case of the Council as the case may be.

(c) Every interlocutory application, including a petition for excusing delay or for obtaining stay of proceedings of a disciplinary committee, shall be accompanied by a fee of Rs. 2/- in the case of the Disciplinary Committee of a State Council, and a fee of Rs. 5/- in the case of the Disciplinary Committee of the Council.

[*Pub. in Raj. Gaz. 4 (Ga).Dt. 7-4-66-Page 1*]

Notification under

RULES UNDER ADVOCATES ACT, 1961.

[*Pub. in Raj. Gaz. 7 (kha)*-Dt. 16-3-67—Page 953 (219)]

The Bar Council of Rajasthan

Jodhpur, 4 March, 1967.

Notification No. RBC/Trg /67/595.—Persons holding a Degree in Law obtained after 31st December, 1965 and intend to be enrolled as Advocates, are hereby informed that following shall be the last dates twice every year on or before which they must intimate their commencement of training in accordance with Rule 5 of the Bar Council of Rajasthan, Training and Examination Rules under Section 24-(1) (d) of the Advocates Act, 1961 so as to become eligible to apply for permission to appear at the Bar Council Examinations to be held during July and December every year.

Examination

Last date for intimating commencement of training

July Examination.

31st March every year.

December Examination

30th September every year.

2. However, no trainees will be enrolled as Advocates unless they pass the Bar Council Examination and satisfy the Enrolment Committee by their record that they have received full and proper training in compliance with the Rules.

Rules and Notifications under

AGRICULTURAL INCOME TAX ACT, 1953. THE
RAJASTHAN (23 OF 1953)

RAJASTHAN AGRICULTURAL INCOME-TAX RULES, 1953

SEPARATE REVENUE DEPARTMENT

NOTIFICATION

Jaipur, April 3, 1954.

No. F. 49 (14) S.R./52.—In exercise of the powers conferred by section 79 of the Rajasthan Agricultural Income-Tax Act, 1953, the Government of Rajasthan, is pleased to make the Rules appended hereto.

By Order of
His Highness the Rajpramukh,
J. N. PUROHIT,
Secretary to the Government.

CHAPTER I *Preliminary*

1. *Short title.*—These rules may be called the Rajasthan Agricultural Income-tax Rules, 1953.

Notes

Section 79 of the Act authorises the State Government to make rules consistent with the provisions of the Act for carrying out the purposes of the Act. Without prejudice to the generality of the foregoing power, such rules are required to :—

- (a) prescribe in accordance with the provisions of this Act the manner of ascertainment and determination of agricultural income ;
- (b) prescribe the procedure to be followed on applications for refunds allowable under the Act ;
- (c) provide for any matter which by this Act is required to be or may be prescribed.

It is in exercise of the powers so conferred that the Government of Rajasthan have framed these rules.

These rules have been amended vide following notifications issued by the Government from time to time. The amendments have been incorporated in the body of these rules and the reference of the amendments so made have been given in the body of the rules. The reference to these amendments have been indicated through the serial numbers of the following notifications :—

- (1) F. 49 (14) S. R. /52 dated 7/2/55.
- (2) F. 49 (14) S. R./52 dated 4/3/55.
published in Raj. Rajpatra, part I (B) dated 19/3/55.
- (3) F. 49 (14) S. R./52 dated 4/3/55.
Published in Raj. Rajpatre, part I (B) dated 19/3/55.
- (4) F. 49 (14) S. R./52 dated 31/5/55.
published in Raj. Raj-patra part I (B) dated 11/6/55.
- (5) F. 49 (7) E & T/55 dated 24/4/56.
published in Raj-patra, part IV (C) dated 2/6/56.
- (6) F. 6 (7) E & T/57 dated 27/8/58.
published in Raj Raj-patra part IV (C) dated 11/9/58.

These rules have been first published in Rajasthan Raj-patra Dated May 8, 1954 part IV (c) at page 59.

2. *Definitions.*—In these rules, unless there is anything repugnant in the subject or context,—

- (a) "the Act" means the Rajasthan Agricultural Income-tax Act, 1953. (Rajasthan Act No. of 1953);
- (b) "form" means a form appended to these rules;
- (c) "section" means a section of the Act;
- (d) "tax" means the agricultural income-tax payable under the Act.

CHAPTER II

3. *Deductions on account of depreciation of capital assets.*—

(1) The allowance under clause (f) of section 6 in respect of depreciation of any irrigation or protective work or other capital asset shall be made in accordance with the following statement of rates:—

Statement of rates of depreciation

| S. No. | Description of buildings, implements machinery and other capital assets. | Rate percentage of prime cost. |
|--------|---|--------------------------------|
| 1. | Kutcha buildings. | 12½ |
| 2. | Pucca buildings. | 2½ |
| 3. | Kutcha and pucca buildings. | 5 |
| 4. | Temporary kutcha buildings. | 20 |
| 5. | Fencing. | 5 |
| 6. | Pucca road. | 5 |
| 7. | Kutcha road. | 16½ |
| 8. | Tanks. | 5 |
| 9. | Pucca wells. | 2½ |
| 10. | Tube wells. | 6½ |
| 11. | Irrigation channel pucca. | 10 |
| 12. | Irrigation channel kutcha. | 20 |
| 13. | Wells kutcha. | 33½ |
| 14. | Bullock drawn wooden and leather implements. | 25 |
| 15. | Country cart. | 16½ |
| 16. | Dunlop cart. | 10 |
| 17. | Small hand implements. | 25 |
| 18. | Bullock drawn iron implements. | 10 |
| 19. | Tractor and oil engines. | 25 |
| 20. | Steam engine. | 5 |
| 21. | Tractor implements. | 12½ |
| 22. | Work shop tools. | 10 |
| 23. | Weighing machines. | 5 |
| 24. | Fixed power machinery. | 12½ |
| 25. | Power pumping machinery. | 12½ |
| 26. | General (machinery, implements, constructions and furniture not provided for above specifically). | 5 |

(2) For the purpose of obtaining an allowance for depreciation referred to in sub-rule (1) the assessee shall furnish particulars to the Agricultural Income-tax Officer in A.I.T. Form No. I.

(3) The depreciation to be allowed in respect of any machinery or plant for the purpose of ascertaining the written down value of such machinery or plant referred to in clause (f) of section 7 shall be at the rate specified in sub-rule (1).

Notes.

Section 6 of the Act provides for determination of agricultural income after making the deductions specified therein. Clause (f) of this section provides for deduction of the depreciation at the prescribed percentage on—Depreciation at the Prescribed Percentage on the written down value of any irrigation or protective work, building, machinery, plant or other capital asset constructed, purchased or acquired exclusively for the benefit of the land from which such agricultural income is derived, or for the purpose of deriving such agricultural income therefrom ;

Provided that the prescribed particulars have been duly furnished :

Provided further that the aggregate of all depreciation allowances made under this Act shall in no case exceed the original cost of the assessee.

This sub-rule (1) of rule 3 prescribes the particulars so required under clause (f).

Section 7 of the Act provides for determination of agricultural income mentioned in clauses (i), (ii) and (iii) of section 2 of the Act. The determination of such income is to be made after making the specified deductions. Clause (f) of section 7 provides for deductions in respect of—in respect of any machinery or plant used exclusively for agricultural purposes which has been sold or discarded, the amount by which the written down value of the machinery or plant so sold or discarded exceeds the amount for which the machinery or plant is actually sold or its scrap value;

Provided that such amount is actually written off in the books of the assessee;

Sub-rule (iii) to this rule prescribes the rate of depreciation on this account.

"3 A. *Cost incurred in previous year in the purchase of cattle etc , for the purposes of section 7 (1) (g).*—“For the purpose of computing the deduction under sub-clause (g) of sub-section (1) of section 7, the cost in respect of purchase or replacement of cattle or implements which are necessary for cultivation shall be such amount as may be fixed by the Agricultural Income Tax Officer after taking into consideration the nature of the cultivation and the extent of the land.”

Notes.

The above rule has been added by amending Notification No. 5, and is meant to meet the requirements of clause (g) of section 7 of the Act. Clause (g) reads as under—“the cost incurred in the previous year in the purchase or replacement of cattle or implements which are necessary for cultivation, to such extent as may be prescribed, less the amount realised by the sale of the cattle or implements replaced or their estimated value;

3-A. *Deduction on account of donations made to Government Educational Institutions:*—For the purposes of sub-section (1) of section 7, the amount donated by an assessee to a Government Educational Institution shall also be deducted from the agricultural income mentioned in sub-clauses (ii) and (iii) of clause (1) of section 2.

Notes.

Present rule 3A has been newly added vide Excise and Taxation Department Notification No. F. 6 (10) E&T/58 dated February 3, 1959, published in Rajasthan Rajpatra, part iv (c) dated February 26, 1959.

4. *Determination of market value of agricultural produce.*—
(1) For the purposes of the Act the market value of any agricultural produce shall, except in the case referred to in clause (a) of the proviso to sub-section (1) of section 8, be determined in the following manner:—

(1) if the agricultural produce was sold in the market, the market value shall be deemed to be the price for which such produce was sold;

(2) if the agricultural produce has not been sold in the market, the market value shall be deemed to be—

(a) where such produce is ordinarily sold in the market in its raw state, or after the performance of any process ordinarily employed by a cultivator or receiver of rent-in-kind to render it fit to be taken to market, the value calculated according to the average price at which such produce has been so sold in the locality during the previous year in respect of which the assessment is made;

(b) where such produce is not ordinarily sold in the market, in the manner referred to in sub-clause (a), the aggregate of—

(i) the expenses of cultivation;

(ii) the land revenue or rent paid for the area in which it was grown; and

(iii) such amount as the Agricultural Income-tax Officer find, having regard to all the circumstances in each case, to represent a reasonable rate of profit on the sale of the produce in question as agricultural produce.

(2) Where an allowance admissible under section 6, 7 or 8 of the Act is in respect of a common charge incurred for the purpose of deriving both agricultural income assessable under the Act and income chargeable under the Indian Income-tax Act, 1922, such allowance shall, except in the case referred to in clause (b) of the proviso to sub-section (1) of section 8, be calculated as such proportion

of the common charge as such agricultural income bears to the total of such agricultural income chargeable under the Indian Income-tax Act, 1922, in respect of which such common charge is incurred.

Notes

Section 8 of the Act provides for the computation of tax on mixed income. Sub-section (1) of section 8 requires the State Government to prescribe the manner in which the market price of the agricultural produce shall be determined. This rule therefore prescribes the manner of determination so required.

5. *Assessment of tax on income derived partly within and partly without the State.*—Where agricultural income is derived from lands partially situated in and partially outside the State of Rajasthan and the proportion of such income attributable to lands in the State of Rajasthan has not been determined for the purposes of the Indian Income-tax Act, 1922, the agricultural income attributable to lands in the State of Rajasthan shall be computed from the accounts kept by the assessee but where it can not be so computed, it shall be calculated as such proportion of the total of such income from lands in the State of Rajasthan and lands outside it as the area of the lands in the State of Rajasthan from which such income is derived bears to the total area of lands in the State of Rajasthan and outside it from which the total of such income is derived.

6. *Form of certificate under section 32.*—The certificate to be furnished by the Principal Officer of a Company under section 32 shall be in Form 2.

CHAPTER III.

Return and Notice of Demand

7. *Form of Return of Agricultural income.*—The return of total agricultural income for individuals, Hindu Undivided Fami-

lies, Companies, Firms and other Association of persons required under sub-section (1) or sub section (2) of section 34 shall be in Form 3, and shall be verified in the manner indicated therein.

8. *Form of notice of demand under section 47.*—The notice of demand under sub-section (5) of section 37 or under section 47 shall be in Form 4.

Appeals

9. *Forms of Appeals under section 48.*—An appeal under section 48 to the Assistant Commissioner shall,—

(a) in the case where it is preferred against—

(i) an order of an Agricultural Income-tax Officer under section 44, be in Form 5;

(ii) the refusal of an Agricultural Income-tax Officer to make a fresh assessment under section 45, be in Form 6;

(iii) an order of an Agricultural Income-tax Officer under section 46, be in Form 7;

(iv) an order imposing any penalty by an Agricultural Income-tax Officer under sub-section (1) of section 62, be in Form 8;

(v) an order of Agricultural Income-tax Officer under section 64, section 65 or section 68, be in Form 9; and

(b) in other cases, be in Form 10.

10. *Appeals how to be presented.*—Appeals may be presented either in person by the appellant or by his authorised representative to the Assistant Commissioner of Agricultural Income-Tax concerned, or may be sent by registered post acknowledgement due addressed to the Assistant Commissioner, Agricultural Income-Tax concerned; and appeals so sent by post shall, for the purposes of sub-section (2) of section 48 of the Act, be deemed to have been presented when they are actually delivered in the office of the Assistant Commissioner, Agricultural Income-Tax concerned."

Notes.

The above rule stands as substituted by the amending notification No. 4.

11. *Accompaniments of appeals.*—The memorandum of appeal before the Assistant Commissioner shall be accompanied by a certified copy of the order appealed against, and two copies of the grounds of appeal.

12. *Form of appeal under section 50.*—An appeal under section 50 or under sub section (3) of section 53 to the Appellate Tribunal shall be in Form 11.

13. *Verification of Appeals.*—The forms of appeal prescribed by rules 9 and 12 and the forms of verification appended thereto shall be signed.

(a) in the case of an individual, by the individual himself;

(b) in the case of a Hindu Undivided Family, by the Manager or Karta thereof;

(c) in the case of a company, by the Principal Officer of the company;

(d) in the case of a firm, by a partner of the firm, and
 (e) in the case of any other association of persons by a member of the association, and such forms of appeal shall be also signed by the authorised representative, if any, of the appellant.

14. *Form of Application under section 86.*—An application under sub-section (2) of sections 86 requiring the Appellate Tribunal to refer to the High Court any question of law shall be in Form 12.
Refund

15. *Refund application to whom made.*—(1) An application for a refund of tax under the Act shall be made as follows:—

(a) if the applicant ordinarily resides in the State, to the Agricultural Income-tax Officer of the district or area in which the applicant is chargeable directly to tax, or if he is not chargeable directly to tax, to the Agricultural Income-tax Officer of the district or area in which he ordinarily resides;

(b) if the applicant ordinarily resides outside the State, to the Agricultural Income-tax Officer empowered by the Commissioner, Agricultural Income-tax, to deal with refund cases at headquarters.

(2) Every such application shall be signed by the claimant and his authorised representative, if any, and it may be presented by the applicant either in person or through such authorised representative.

16. *Form of refund application.*—(1) When an application for refund is made under section 64, it shall be in Form 13.

(2) When an application for refund is made under sub-section (2) of section 65, it shall be in Form 14, and shall be accompanied by a Statement of total income in Form 15 computed in the manner specified in that form.

17. *Determination of total income for certain purposes.*—For the purpose of determining the total income of a person, the agricultural income of such person derived from lands outside the State, shall be calculated in the following manner:—

(a) if the agricultural income of such person derived from lands outside the State has been computed under any law in force in the State in which such lands are situated, that computation shall be accepted as determining the agricultural income of such person derived from such lands;

(b) if no such computation has been made, the agricultural income of such person derived from such lands shall be determined under the Act in the same manner in which such income would have been determined if such lands were situated in the State.

Miscellaneous

18. *Composition of offences.*—(1) The Commissioner may accept from any person, whether before or after the institution of

proceedings against such person for an offence punishable under section 70 or section 71, payment of a sum of money not exceeding the amount of the tax payable by him, or if no tax is payable, a sum not exceeding two hundred rupees by way of composition of such offence.

(2) When the payment referred to in sub-rule (1) has been duly made, no proceeding shall be instituted against such person in respect of such offence and any proceeding already instituted in respect of such offence shall be forthwith withdrawn.

Notes

This rule prescribes the conditions for the Composition of offences as required under Section 72 of the Act.

18A. *Form, manner and time of presenting application for composition.*—(1) The application under section 61 A (1) shall be in Form 21. It shall be sent by registered post to the Agricultural Income Tax Officer of the area, in which the land, from which a greater part of the agricultural income of the applicant is derived, is situated, or shall be presented in person or through a duly authorised representative to such Agricultural Income Tax Officer, at any time before the assessment order under section 35 is passed.

(2) The Agricultural Income Tax Officer shall, as soon as possible after the receipt of an application under sub-rule (1) make such enquiry as he deems fit to satisfy himself about the correctness of the particulars specified in the application; and if the particulars are correct, he shall pass an order in writing granting the permission. If the particulars specified in the application are not correct, the Agricultural Income Tax Officer shall require the applicant to furnish the correct particulars within such time as may be specified by him. If the correct particulars are furnished by the applicant within the time so specified, the Agricultural Income Tax Officer

(4) Every person whose name has been registered under sub-rule (3) shall be furnished with a certificate issued by the Commissioner in form No. 17 authorising him to practise before the agricultural income-tax authorities in the State including the Appellate Tribunal up to the end of the financial year in which his name has been so registered, and if the holder of such certificate desires to continue so to practise for a further period, he shall make an application with the usual fee of Rs 10/- before the Commissioner before the expiry of the validity of the certificate praying for a renewal thereof. The Commissioner shall then subject to the provisions of sub-rule (3), renew such certificate and endorse the fact of such renewal on the certificate. On every such renewal of the certificate, the period of registration under sub-rule (3) shall be deemed to be extended for a further period of one year.

Notes

This rule has been framed in pursuance of clause (iv) of sub-section (2) of section 81 of the Act. The rule prescribes the educational qualification of Agricultural Income-Tax Practitioners and provided for the Manner in which they shall be registered.

21. *Authorised representative to file writing constituting his authority.*—(1) Where any application or memorandum of appeal to be filed before any agricultural income-tax authority or the Appellate Tribunal is signed by an authorised representative, such representative shall annex to such application or memorandum of appeal the writing constituting his authority and acceptance shall be signed and dated by the representative and he shall state whether he is a lawyer or an accountant or is a person who is a relative of, or regularly employed by the assessee. If the representative is a person regularly employed by the assessee, he shall state the capacity in which he is at the time employed and if he is a relative of the assessee, he shall state his relationship with the assessee.

(2) An authorised representative appearing before any agricultural income-tax authority or the Appellate Tribunal for a party in connection with any proceedings under the Act shall, unless he has already filed his authority; and his acceptance of it under rule 22 file his authority; and if the party by whom he has been appointed to represent is the assessee he shall also file his acceptance of the authority containing the particulars required by the said rule.

22. *Fees how to paid.*—All fees payable under the Act or these rules shall be paid in Court-fee Stamps.

Registration of Firms under section 42

23. (1) Any firm constituted under an Instrument of Partnership specifying the individual shares of the partners may, under the provisions of section 42 of the Act, register with the Agricultural Income-tax Officer, the particulars contained in the said instrument on application made in this behalf.

(2) Such application shall be signed by all the partners (not being minors) personally, and shall be made—

(a) before the income of the firm is assessed for any year under section 35 of the Act; or

(b) If no part of the income of the firm has been assessed for any year under section 35 of the Act, before the income of the firm is assessed under section 54 of the Act; or

(c) with the permission of the Assistant Commissioner hearing an appeal under section 49 of the Act, before the assessment is confirmed, reduced, enhanced or annulled; or

(d) if the Assistant Commissioner sets aside the assessment and directs the Agricultural Income-tax Officer to make a fresh assessment before such fresh assessment is made; or

(e) before or after the dissolution of the firm in respect of the assessment or assessments to be made on its income upto the date of dissolution;

Provided that where an application is made under clause (e) after the dissolution of the firm, it shall be signed by all the persons who were partners in the firm immediately before dissolution and by the legal representative of any such person who is deceased.

(3) The application referred to in this rule shall be made in the Form annexed hereto and shall be accompanied by the original Instrument of Partnership under which the firm is constituted, together with a copy thereof, provided that if the Agricultural Income-tax Officer is satisfied that for some sufficient reason the original instrument can not conveniently be produced, he may accept a copy of it certified in writing by all the partners (not being minors) or where the application is made after dissolution of the firm, by all the persons referred to in the proviso to sub rule (2), to be a correct copy and in such a case the application shall be accompanied, by a duplicate copy.

Notes

This rule is intended to meet the requirements of Section 42 of the Act which reads as under :—

(1) Application may be made to Agricultural Income-tax Officer on behalf of any firm, constituted under an instrument of partnership specifying the individual shares of the partners, for registration for the purposes of this Act and of any other enactment for the time being in force relating to agricultural income-tax or super-tax.

(2) The application shall be made by such person and at such times and shall contain such particulars and shall be in such form, and be verified in such manner, as may be prescribed; and it shall be dealt with by the Agricultural Income-tax Officer in such manner as may be prescribed.

"Form of application for Registration of a firm under section 42 of the Rajasthan Agricultural Income-Tax Act, 1953."

To

The Agricultural Income-tax Officer.

Dated..... 19

Income-tax Year 19 19

1. We..... beg to apply for the Registration of our firm under section 42 of the Rajasthan Agricultural Income-tax Act, 1953, for the assessment for income-tax year 19 19

2. The original Instrument of Partnership certified copy of the under which the firm is constituted specifying the individual shares of the partners together with a duplicate copy is enclosed. The prescribed particulars are given in the schedule below.

3. We do hereby certify that the profits (or loss, if any) of the previous year were/will be divided or credited as shown in Section B of the schedule and that the information given above and in the attached schedule is correct.

(Signature)

(Address).

| Name of partner. | Address. | Date of admittance to partnership. | Interest on capital or loans (if any). | Salary or commi. ssion from firm. | Shares in the balance of profits (or loss) (annas and pies in the rupee). | Remarks. |
|------------------|----------|------------------------------------|--|-----------------------------------|---|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(A) Particulars of the firm as constituted at the date of this application.

(B) Particulars of the apportionment of the income, profits or gains (or loss) of the business, profession or vocation in the previous year between the partners who in that previous year were entitled to share in such income, profits or gains (or loss)."

(4) If, on receipt of the application referred to in subrule (3), the Agricultural Income-tax Officer is satisfied that there is or was a firm in existence constituted as shown in the instrument of partnership and that the application has been properly made, he shall enter in writing at the foot of the instrument or certified copy, as the case may be, a certificate in the following form, namely:—

instrument of partnership

"This..... certified copy of an instrument of partnership has this

day been registered with me, the Agricultural Income-tax Officer for in Rajasthan under section 42 of the Rajasthan Agricultural Income-tax Act, 1953, and this certificate of registration shall have effect for the assessment for the year ending on the 31st day of March 19 .."

(5) If the Agricultural Income tax Officer is not so satisfied, he shall pass an order in writing refusing to recognise the instrument of partnership, or the certified copy thereof, and furnish a copy of such order to the applicants.

(6) The certificate referred to in sub-rule (4) shall be signed by the Agricultural Income tax Officer, who shall thereupon return to the applicants the instrument of partnership or the certified copy thereof, as the case may be, and shall retain a copy or the duplicate copy thereof.

(7) The certificate of registration granted under subrule (4) shall have effect only for the assessment to be made for the year mentioned therein.

(8) Any firm to whom a certificate of registration has been granted under sub-rule (4) may apply to the Agricultural Income-tax Officer to have the certificate of registration renewed for a subsequent year. Such application shall be signed personally by all the partners (not being minors) of the firm or where the application is made after dissolution of the firm by all persons (not being minors) who were partners in the firm immediately before dissolution and by the legal representative of any such person who is deceased, and accompanied by a certificate in the form set out below. The application shall be made within the time and subject to the conditions, if any, which are specified in clause (a), clause (b), clause (c), clause (d) or clause (e) as the case may be of Rule 23.

"Form of application for the renewal of Registration of a firm under section 42 of the Rajasthan Agricultural Income-tax Act, 1953."

To

The Agricultural Income-tax Officer,

Date,..... 19

Assessment for the Income-tax year 19 19

1. We, beg to apply for the renewal of the registration of our firm under section 42 of the Rajasthan Agricultural Income-tax Act, 1953, for the assessment for the income-tax year 19 19

instrument of partnership

2. The certified copy of the instrument of partnership was registered by the Agricultural Income-tax Officer for... .. in the State of Rajasthan on the day of 19 and we hereby certify that the constitution of the firm and the individual shares of the partners specified in

the instrument of partnership
 the so registered
 certified copy of the instrument of partnership
 tered on remained unaltered.

3. We do hereby further certify that the profits (or loss, if
 previous year
 any) of the were/will
 period upto the date of dissolution
 be divided or credited as shown below:—

Particulars of the apportionment of the income, profits or
 gains (or loss) of the business, profession or vocation in the previous
 year or the period upto the date of dissolution between the partners
 who were entitled to share in such income, profits or gains (or loss).

| Name of partner. | Address. | Date of admittance to partnership. | Interest on capital or loans (if any). | Salary or commi. ssion from firm. | Shares in the balance of profits (or loss) (annas and pies in the rupee). | Remarks. |
|------------------|----------|------------------------------------|--|-----------------------------------|---|----------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |

(Signature)

(Address).

Note.—This application must be signed personally by all the partners (not being minors) in the firm, or if made after dissolution of the firm, by all persons (not being minors) who were partners in the firm immediately before dissolution and by the legal representative of any such person who is deceased.

(9) On receipt of an application under sub-rule (8) the Agricultural Income-tax Officer may, if he is satisfied that the application is in order and that there is or was a firm in existence constituted as shown in the instrument of partnership grant to the assessee a certificate signed and dated by him in the following form:—

“The registration of the firm of granted on is renewed by me and will remain effective for the assessment for the year ending on the 31st day of March 19 ..”

(10) If the Agricultural Income-tax Officer is not so satisfied, he shall pass an order in writing refusing to renew the registration of the firm.

(11) In the event of the Agricultural Income-tax Officer being satisfied that the certificate granted under sub-rule (4) or under sub-rule (9) has been obtained without there being a genuine firm in existence, he may cancel the certificate so granted.

THE RAJASTHAN AGRICULTURAL INCOME-TAX

ACT, 1953

Form A. I. T. 1

[See rule 3 (2).]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
|--|---|---|--|---|--|----------------------------------|---------------------------------|----------|
| Description of irrigation or protective work or other capital asset constructed or acquired. | Written down value, as at the beginning of the accounting period. | Capital expenditure during the year for additions, alterations, improvements and extension. | Date from which the additions, etc. referred to in column 3 have been used for the purpose of agriculture. | Written down value as at the beginning of the accounting year, of any machinery or plant used exclusively for agricultural purposes but sold or discarded during the year and the value for which such machinery or plant is actually sold or its scrap value with the dates on which first brought into use and sold or discarded. | Amount on which depreciation is now allowed. | Prescribed rate of depreciation. | Amount of depreciation allowed. | REMARKS. |

I, declare that to the best of my information and belief the capital assets described in column 1 of the above statement were the properties of during the year ended and that the particulars mentioned in the above statement are correct.

Place—

Date—

Signature of assessee
Designation

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 2.

[See Rule 6.]

Name of Company.....

Address of Company.....

Date

Warrant for Rs..... (in words and figures, or if the certificate is crossed by an entry in words stating that the amount of dividend is under the next multiple of Rs. 50 above the amount, in figures only), being dividend (1) at the rate of Rs..... (in words and figures) per share for the (2)...../ the period from..... to..... during the year ending on the..... day of..... 19..... (3)..... on (4)..... shares in this company, registered during the said period/on (date) in the name of..... This dividend was declared..... at the (5)..... meeting held on the (6)..... 19.....

I/We hereby certify that agricultural income-tax on the entire income of the company/such part of the income of the company as is liable to be charged to Rajasthan Agricultural Income-tax (and represents..... per cent. of the aggregate of the income chargeable under the Indian Income-Tax Act, 1922, and the Agri-

cultural income assessable under the Rajasthan Agricultural Income-Tax Act, 1953) has been, or will be duly paid by me/us to the Government of Rajasthan.

Date..... : Signature.....

(To be signed by the claimant.)

I hereby certify that the dividend above/mentioned relates to shares which were my own property at the time when the dividend was declared/during the period from to/ on (date)..... and were in the possession of.

Date.... Signature.....

(1) Or dividend and bonus.

(2) Year or half-year, as the case may be.

(3) Here enter whether with or without deduction of tax.

(4) Here enter number and description of shares.

(5) Here specify number and nature of meeting.

(6) Here enter date.

THE RAJASTHAN AGRICULTURAL INCOME-TAX Act, 1953.

A. I. T. FORM 3

[See Rule 7]

Form of return of total agricultural income for individuals, Hindu undivided families, companies, firms and other associations of persons, under sub-section (1) or (2) of section 34 of the Rajasthan Agricultural Income-Tax Act, 1953. See Note 1.

AGRICULTURAL INCOME-TAX YEAR 19 . 19 .

Name

Name of father/husband.....

*Status

Address (Village..... post office.....

police station sub division

district

Statement of total agricultural income during the previous year ended on See Note 2.

Sources of agricultural income—See Note 3.

Amount.

Tax
already
paid

1. Rent and revenue derived from land which is used for agricultural purposes, and is either assessed to land revenue in the Republic of India or subject to a local rate assessed and collected by officers of the Government as such.—Details shown in Schedule A—See Note 4.

| Rs. | A. | Rs. | A. |
|-----|----|-----|----|
| | | | |

*Please state here whether the assessee is an individual, a Hindu undivided family, a firm, a company or any other association of persons.

2. Income derived from such land by—

(a) agriculture,

(b) the performance by a cultivator or receiver of rent-in-kind or any process ordinarily employed by a cultivator or receiver of rent-in-kind to render the produce raised or received by him fit to be taken to market.

(c) the sale by a cultivator or receiver of rent-in-kind of the produce raised or received by him in respect of which no process has been performed other than a process of the nature described in item

(b).—Details shown in Schedule B.—See Note 5.

3. Agricultural portion of the income derived from agriculture and business by—

(a) cultivation, manufacture and sale of tea if produced any.—See Note 6.

(b) cultivation of crops other than tea, manufacture and sale of commodities made therefrom—See Notes 7 and 8.

4. Dividends from companies earning agricultural income, shares in the agricultural income of firms, associations of persons and Hindu undivided families.—Details shown in Schedule C. See note 9 Deductions claimed.—See Note 10.

(a) Dividends received out of agricultural income of companies, shares in the agricultural income of firms or associations of individuals;

(d) Share of agricultural income of a Hindu undivided family;

(c) payments on account of—

(i) insurance premia of sums paid in respect of contracts for deferred annuities;

(ii) insurance premia on the life of any male member of a Hindu Undivided family or on the life of the wife or a minor child of any member of such family.

Total

I declare that to the best of my knowledges and belief the information given by me in the statement of total agricultural income is correct and complete, that the amounts of incomes and other particulars shown are truly stated and relate to the year ended _____, and that no other agricultural income was received by me/the family/the firm/the company/association, during the said year, and

I further declare that in claiming the deductions mentioned

above no sums have been included in the Statement by me/the family the firm/the company/the association in respect of which a relief might have been claimed under the Indian Income-tax Act, 1922 during the previous year for which the return is made.

Date _____ *Signature _____
Status _____

*The alternatives which are not required in the declaration should be scored out. The declaration shall be signed—

- (a) in the case of an individual by the individual himself;
- (b) in the case of a Hindu undivided family by the Manager or Karta;
- (c) in the case of a company by the principal officers;
- (d) in the case of a firm by a partner;
- (e) in the case of any other association by a member of the asson.

(f) if the property be under Court of Wards or an Administrator General or Official Trustee or any Trustee or Trustees appointed under a duly executed Trust or under a wakf or under a Common Manager, the return will be signed by the Manager of such Court of Wards or Officer or person making the declaration.

**The signatory should satisfy himself that the return is correct and complete in every respect before signing the verification and the alternatives which are not required should be scored out.

N. B.-1 (a) All agricultural income derived from any land situated in the State of Rajasthan even by a person who does not reside in the State or who resides in it, but is temporarily absent therefrom is liable to be assessed to agricultural income tax and must therefore, be entered in this form.

(b) All agricultural income received by a person in any capacity whatsoever, whether as an owner or as a holder of a property for himself or for any other, or partly for his own benefit and partly for another, either as owner, guardian, trustee, agent, receiver, common manager, administrator, executor, or in any capacity recognised by law must be returned in this form.

2. (i) In computing your total agricultural income you should enter so much of the income of your wife or minor child as arose directly or indirectly—

(i) from assets transferred directly or indirectly to your wife otherwise than for adequate consideration or in connection with an agreement to live apart;

(ii) from assets transferred directly or indirectly by you to your minor child, not being a married daughter otherwise than for adequate consideration;

(b) You should also enter so much of the income of any association of persons consisting of your-self and your wife as arises from any assets transferred by you to such association.

ॐ

| Serial number. | Name of village, muvza, mahal or pargana, police-station, post office, sub-division and district. | Khevat number with share, if any. | Khatian number with share, if any. | Interest of the assessee (whether a proprietor (Biswedat, Zamindar or Malguzar) tenure- holder, mortgagee in possession, lessee, Jagirdar (as defined in the Rajasthan Resu- mption of Jagirs and Land Reforms Act, 1951 and detailed in Appendix to that Act), or any other holder of land, and tenants classified as occupancy tenants or Bapidars, Pattedars, Khatamdars, Khatadars tenants and other tenants, or any other receiver of rent-in-kind or in cash, in respect of lands used for agricultural purposes). | Rent accrued. Cess accrued. Total. | Annual rent and cess accrued during the previous year. (i)(ii)(iii) | 5 (a) | Gross annual income. |
|----------------|---|-----------------------------------|------------------------------------|---|--|--|-------|----------------------|
| 6 | Total of columns No. (i) to (iii) | | | | | | | |

SCHEDULE A—*concd.*

7

- 6

DEDUCTIONS

| (i) | (ii) | (iii) | (iv) | (v) | (vi) | (vii) | (viii) | (ix) | (x) | (xi) | Rs.A. | Rs.A. | Rs.A. | Rs. | A. | Rs. | A. | Rs. | A. | Rs. | Rs.A. | Rs.A. | Remarks. |
|--|---|--|--|--|---|--|--|---|--|----------------------------------|---|-------|-------|-----|----|-----|----|-----|----|-----|-------|-------|----------|
| Amount of land revenue paid to the Government or rent paid to superior landlords or Jagirdars or tributes paid to Government by Jagirdars and to Jagirdars by Sub-Jagirdars. | Sum paid as local rate or cess including education cess collected under any enactment in force in the State of Rajasthan. | Amount of interest paid in respect of any mortgage or other capital charge upon the land from which agricultural income is derived, as well as amount of interest paid in respect of borrowed capital for acquisition, reclamation and improvement of such land. | Amount of interest paid on Tagavi loans. | Expenses incurred for the maintenance of any irrigation or protective work or other capital asset. | Depreciation in respect of any irrigation or protective work or other capital asset constructed or acquired after the commencement of the Act for the benefit of the land or for deriving agricultural income therefrom. (See rule 3 of the Rajasthan Agricultural Income-tax Rules, 1953.) | Sum paid as premium in order to effect an insurance against loss of or damage to such land or any crops to be raised or cattle to be reared thereon. | Collection charges including cost of maintenance of kutcharies or other capital assets and any expenses of litigation at 15% of the total amount of rent or revenue which accrued in the previous year or subject to a maximum of 20% as in the first proviso to clause (c) of section 6 of the Act. | In the case of rent-in-kind costs incurred in performing any process for rendering the produce fit to be taken to market, for transporting the same to market and for maintaining in good repair any agricultural implements or machinery and in providing for the upkeep of cattle used for such purposes. | Any expenditure (not being in the nature of capital expenditure or personal expenditure) laid out wholly and exclusively for the purpose of deriving agricultural income from such land. | Total of columns No. (i) to (x). | Net difference of columns No. 6 (iv) and 7 (xi) should be carried over to the front page of the return form against item 1. | | | | | | | | | | | | |

SCHEDULE A (1)

Market value of agricultural produce received as rent-in-kind.

| (a) | (b) | (c) | (d) |
|--|---|--|------------------------|
| Kind of agricultural produce :— (i) Ordinary produce (enter names of different crops) (ii) Garden produce (enter names of vegetables, fruits etc.,) (iii) By-product. | Quantity of produce weight in maunds or number of trees as the case may be. | Market value per maund or per tree as the case may be. | Total amount realised. |
| | | Rs. A. | Rs. A. |

8 (contd.)

| Serial number. | Name of village, mauza, mahal or pargana, police station, post officer, sub division and district. | Interest of the assessee (whether a proprietor, tenant, holder, mortgagee in possession, raiyat or any other class of tenant.) | Khewat Number with share, if any. | Khatian Number with share, if any. | Area. |
|---|--|--|--|---|-------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Market value of agricultural produce | | | | | |
| (a) | (b) | (c) | (d) | (e) | |
| Kind of agriculture:— (i) Ordinary produce. (ii) Tea, if produced any. | | | | | |
| Quantity of produce-weight in maunds. | | | | | |
| Market value per maund. | | | | | |
| Name of any by-product with quantity and value | | | | | |
| Total amount realised | | | | | |
| One half (50%) of the amount in column 7 (e) allowed to individual or Hindu undivided family as provided in clause (2) of section 7 of the Act. | | | | | |
| (i) | (ii) | (iii) | (iv) | (v) | (vi) |
| Costs incurred in cultivating the land or for raising live-stock thereon. | Expenses incurred in performing any process contemplated in item (ii) of clause (1) of section 2 of the Act for rendering the produce of the land fit to be taken to market. | Costs of transporting such produce or live-stock to market. | Expenses incurred in maintaining in good repair agricultural implements and machinery for the performance of the process described in 'Deductions' (iii)-(iv). | Expenses for the upkeep of cattle for the purposes of cultivation performed in any process or transport referred to in 'Deductions' | |
| 8 (contd.) | | | | | |

SCHEDULE B-*Continued*.

| DEDUCTIONS. | | | | | | | | | | 8 | 9 | 10 |
|--|---|--|--|---|---|---|---|--|--|---|---|----------|
| (vii) | (viii) | (ix) | (x) | (xi) | (xii) | (xiii) | (xiv) | (xv) | (xvi) | (xvii) | | |
| Amount of land revenue paid to the Govt. and rent paid to superior landlords or jagirdars or tribute paid to Govt. by jagirdars and to jagirdars by Sub-jagirdars. | Sums paid as local rate or cess including education cess collected under any enactment in force in Rajasthan. | Amount of interest paid in respect of any mortgage or other capital charge upon the land from which agricultural income is derived and in respect of any borrowed capital for acquisition, reclamation or improvement of the land. | Amount of interest paid on Tagavi loans. | Expenses incurred for the maintenance of any irrigation or protective work or other capital assets. | Depreciation in respect of any irrigation or protective work or other capital asset constructed or acquired for the benefit of the land or for deriving agricultural income therefrom (vide rule 3 of the Rajasthan Agricultural Income-Tax Rules, 1953). | Sum paid as premium in order to effect any insurance against loss of, or damage to, such land or any crops to be raised or cattle to be reared thereon. | Amount of obsolescence allowed in respect of any machinery or plant used exclusively for agricultural purposes sold or discarded, representing the difference between the "written down" value and the amount for which actually sold or their scrap value. | Any other expenditure not being in the nature of capital or personal expenditure laid out wholly and exclusively for the purpose of deriving such agricultural income. | Any other sums that may be prescribed. | Total of columns (i) and (iv) to (xvi) or (ii) to (xvi) as the case may be. | Net difference of 7 (e) and 8 (xvii) to be shown in column 2 against the item 2(a) or (b) or (c) in front page of the form of return. | |
| Rs. | A. | Rs. | Rs.A. | Rs.A. | Rs. | A. | Rs. | A. | Rs.A. | Rs.A. | Rs.A. | REMARKS. |

SCHEDULE C.

[illegible]

NOTES FOR GUIDANCE IN FILLING UP RETURN
REQUIRED UNDER SUB-SECTION (1) OR (2)
OF SECTION 34.

Every person whose total agricultural income exceeds Rs. 6,000 and every company, firm or other association of persons earning income which is agricultural income are required to make a return of the total agricultural income of such individuals, family, company, firm or other association whether or not an individual notice has been served under sub-section (2) of section 34.

Total agricultural income is the total amount of Agricultural income chargeable to tax after computation in the manner laid down in the Act.

2. The "Previous year" means—

(i) the financial year ending on the 31st March prior to the tax year;

(b) at the option of the assessee, the year ending on the date prior to the 31st March, to which his accounts have been made up; or

(c) any year determined by the Commissioner of Agricultural income tax for any case or class of cases.

Certain conditions are attached to the exercise of the option referred to in (b) and certain further conditions govern the determination of "previous year" in respect of a business newly set up and these are shown in clause (11) of section 2 of the Act.

For each source of income for which the previous year does not end on the 31st March, the last date of the previous year should be shown.

3 *Sources of income.*—The following income must also be included in your return under the appropriate head:—

(a) Agricultural portion of the dividends on shares owned in companies including those having a mixed income;

(b) so much of the total agricultural income of your wife as arises directly or indirectly from assets transferred directly or indirectly to her by you, otherwise than for adequate consideration, or in connection with any agreement to live apart;

(c) so much of the total agricultural income of your minor child as arises directly or indirectly from assets transferred directly or indirectly to him, or her, by you otherwise than for adequate consideration, unless she is a married daughter;

(d) so much of the total agricultural income of any person or association of persons as arises from assets transferred by you to the person or association otherwise than for adequate consideration, for the benefit of your wife or minor child or both.

4. (i) Rent from land received in cash or in kind by a proprietor (Bisweddar, Zamindar or Malguzar) tenure-holder, mortgagee

in possession, lessee, jagirdar (as defined in the Rajasthan Resumption of Jagirs and Land Reforms Act, 1951 and detailed in Appendix to that Act) or any other holder of land, and tenants classified as occupancy tenants or Bapidars, Pattedars, Khasamdars, Khatedars tenants and other tenants, assessable to agricultural income-tax and should be returned in the form.

(ii) Salamis (premia) or fees received by or paid to landlords for settlement of waste lands, abandoned, or khas purchased holdings used for agricultural purposes, or for recognition of the transfer of a holding from one tenant to another or for sub-division of tenancy and all malikana receipts by landlords are instances of income derived from land assessable to agricultural income-tax and should be returned in this form.

It may be noted that the amount whether reckoned as portion of Government revenue or otherwise annually paid by one proprietor to another proprietor is different from the malikana receipts mentioned above which are payable by Government to certain proprietors under certain conditions. The former is virtually rent, and can be claimed for allowance as such and the latter are agricultural income and are assessable to agricultural income-tax.

(iii) For the rate of depreciation permissible under the Act see rule 3 of the Rajasthan Agricultural Income-tax Rules. The depreciation is to be calculated on the 'written down' value for the year of assessment.

5. Income from cultivation, or other agricultural operations in respect of lands, includes profit earned by a cultivator by the sale of his raw produce, even if he keeps a shop for the retail vend of such produce. Income derived by utilising the raw produce of his own lands for the purpose of manufacture of goods by a manufacturer who carries on partly agricultural and partly business operation such as those done in a sugar factory, in rice or oil mills, or by a tea estate, and the income derived by a land owner who grows on his own land, for which he pays land revenue or local rate or rent, forests or other trees or tea seeds or coffee and derives income therefrom are instances of agricultural income.

All such incomes as well as those derived from dairy and poultry farming, bathans (buffalo khutis), fruits and flower gardening, lac and cotton growing which are also agricultural income must be shown in the return.

6. If in respect of the accounting year concerned in the case, your income derived from tea business (cultivation, manufacture and sale) has been determined by the Indian Income-tax Officer, then the income to be shown against item 3 (a) is the portion of the agricultural income as computed for the purpose of the Indian Income tax Act, 1922. A certified copy of the detailed Assessment Order of the Indian Income tax Officer, under the Indian Income-tax Act, 1922 and the demand notice served upon you should be filed in support of your statement.

7. If you utilise your agricultural raw produce, other than tea, for manufacturing goods, you must show in column 7 of Schedule B the market value of the total quantity of such raw produce in addition to the market value of any of your agricultural produce sold by you and may also claim deductions the reform by filling up appropriate columns of the Schedule. As to what shall be deemed to be the market value of the raw produce you may refer to rule 4 (1) of the Rajasthan Agricultural Income tax Rules, 1953.

8. In the case of mixed income other than income derived from cultivation, manufacture and sale of tea you should also prepare and submit a profit and loss statement in regard to your entire income derived partly from agriculture and partly from business and fill up on its basis the following statement:—

Profit or loss as per Profit and Loss Account (or Statement corresponding to the Profit and Loss Account) for the year ended....

Add (deduct if the above figure is a loss)—

Any profits or gains not included in arriving at the above figure or profit.

Reserve for bad debts.

Sums carried to reserve or other funds.

Interest credited to reserves or other funds.

Expenditure of the nature of charity or presents.

Expenditure of the nature of capital, agricultural income-tax, income tax, or super-tax.

Drawings of proprietor or partners.

Salaries and commission paid or credited to the proprietor or partners.

Interest allowed to proprietor or partners on capital or loans accounts.

Rental value of the property owned and occupied. ...

Cost of additions to or alternations, extensions or improvements to any of the assets of the business. ...

Losses sustained in former years and charged in arriving at the figure of profit (or loss) shown above. ...

Depreciation of any of the assets of the business. ...

Private or personal expenses.

Any other expenditure not incurred wholly or exclusively for the purpose of the business, profession or vocation (Give details)

Any other expenditure which is not allowable under the provisions of section 10 of the Indian Income-tax Act, 1922 or under the provisions of the Rajasthan Agricultural Income-tax Act, 1953 (Give details)

Deduct—

Any profit or gains, capital sums or other items credited in arriving at the above figure of profit which are not taxable or upon which tax has already been paid (Give details).

Interest on securities tax free.

Depreciation allowable in this return (See note) 4 (iii)....

Any other allowable expense which has not been charged in arriving at the above figure of profit (Give details).

Net profit or loss carried to item 3 (b) of the front page of the return form.

Rs. _____

9. Agricultural income comprised in dividends from companies earning agricultural income should be computed, so far as possible on the basis of information relating to the percentage of agricultural income comprised in the total income of the companies as obtained from them.

10. (a) Deductions from total agricultural income can only be made for insurance premia in respect of insurance on your own life or on the life of your wife or of your minor child, or in respect of a contract for a deferred annuity on your own life or on lives of your wife or minor child. No deduction is permissible in the case of any other form of life insurance except in the case of a Hindu undivided family where deductions are permissible on account of premia paid to effect an insurance on the life of any male member of the family or of the wife or a minor child of any such member.

The original receipts or the certificate of the insurance company to which the premia were paid must be attached to the return.

(b) No deduction may be claimed in regard to any sum in respect of which you are entitled to get an exemption under section 15 of the Indian Income tax Act, 1922, in your assessment under that Act.

(c) The aggregate of the sums exempted under section 14 (c) of the Act shall not exceed one-sixth of your total agricultural income chargeable under the Act.

11. It may be noted that Schedules A, B and C are to be filled in separately for each district when agricultural income is derived from more than one district by the Assessee.

12. In filling up column 6 of Schedule B, (a) area unfit for cultivation, (b) the area under double crops and (c) the area under single crop should be shown separately in acres the total acreage being shown in the column.

13. (a) In filling up column 7 (a) of Schedule B—

(i) enter names of different crops under ordinary produce;
(ii) fill up other columns against tea when green leaves are sold;

(iii) enter vegetables, fruits, etc., separately;

(iv) give the name of the by-product.

(d) In filling up column 7 (b) of Schedule B show the weight of produce or number of trees against each kind in sub-column (a).

14. The amount of rent in column 6 (i) (a) of Schedule A should show the total of rent in cash and the market value of rent-in-kind received. Column 6 (i) (a) of Schedule A should be filled in thus:—

“Rent Rs ... (including Rs.....being the market value of agricultural produce received as rent-in-kind as shown in Schedule A (1).

N B.—The above particulars should be given for each separate and distinct source of mixed income.

THE RAJASTHAN AGRICULTURAL INCOME TAX ACT, 1953.

A. I. T. FORM No. 4.

(See rule 8)

*Notice of demand under section 47 of the Rajasthan
Agricultural Income-Tax Act, 1953.*

To

.....

Take notice that for the assessment year 19.....19....., the sum of Rs.....as specified over leaf, has been determined to be payable by you.

2. Whereas you have not paid the sum of Rs..... for the yearon the prescribed date..... in accordance with the Notice of Demand served on you on....., you are hereby informed that a penalty of Rs.....has been imposed upon you under section 62 of the Rajasthan Agricultural Income-Tax Act, 1953.

3. You are hereby required to pay the amount on or before theto Treasury Officer/Sub-Treasury Officer/Agent, Imperial Bank of India/Reserve Bank of India, at when you will be granted a receipt. A chalan is enclosed for the purpose. If you want to pay this amount by instalments not exceeding four in number, you should apply within the time allowed for making the payment to me for necessary permission. If as a result of your application the Agricultural Income-Tax Officer allows you to pay the tax due in instalments you shall be deemed to have waived all your rights of appeal under the said Act.

4. If you do not pay the amount, or any instalment fixed in that respect (in case such payment by instalments is allowed on your making an application to the undersigned) on or before the date specified above, you will be liable under section 62 of the Rajasthan Agricultural Income-Tax Act, 1953, to a penalty not exceeding half the amount of arrear tax.

5. The assessment has been made under subsection 4 of section 35 of the Rajasthan Agricultural Income-tax Act, 1953, because you failed to make a return of your agricultural income un-

*der sub-section (2) of section 34
to comply with a notice under sub-section (4) of section 34
to comply with a notice under sub-section (2) of section 35
to produce any order under the Indian Income-tax Act, 1922,
or a certified copy thereof, required under sub-section (3) of section 8
for such assessment.*

But if you were prevented by sufficient cause from making the return, or did not receive the notice (s) aforesaid, or had not a reasonable opportunity to comply, or were prevented by sufficient cause from complying with the terms of the notice (s), you may apply to me within one month from the receipt of this notice, under section 45, to cancel the assessment and proceed to make a fresh assessment.

6. If you intend to appeal against the assessment, you may present an appeal in any of the prescribed forms 5—12 applicable to your case, under sub-section (1) of section 48 of the Rajasthan Agricultural Income-Tax Act, 1953, to the Assistant Commissioner of Agricultural Income-Tax, Rajasthan, at within 30 days of the receipt of this notice, in accordance with the manner laid down in rule 9 of the Rajasthan Agricultural Income-Tax Rules, but no appeal will lie against an order under section 62 unless the agricultural income-tax has been paid.

(a) Appeals may be presented either in person or by an authorised representative to the Assistant Commissioner of Agricultural Income-Tax, Rajasthan, within the period specified in sub section (2) of section 48 of the Act.

7. The chalan mentioned in paragraph 3 above should be sent to the authority specified, along with the amount of tax. Should you lose the Chalan, it will be necessary for you to apply to the undersigned for a fresh chalan. If, however, you remit the demand by money order, you should send the chalan to the same authority stating on the money order form that the payment is on account of Rajasthan Agricultural Income-Tax and the chalan has been sent also by post under certificate of posting.

Agricultural Income-Tax Officer.
Address—
Area—

Date 19 .
Place

N.B.—Strike out inappropriate paragraphs, words and figures.
ASSESSMENT FORM.

Assessment for 19. 19 under section.....of the Rajasthan
Agricultural Income-tax Act, 1953.

Name of Assessee
Status

District or area
Number in General
Index Register

Address

Number of Miscellaneous Record

Sources of agricultural income.

Amount. Agricultural Income tax.

1. Rent or revenue derived from land used for agricultural purposes.
2. Income derived from such land by agriculture, by the performance of any process ordinarily employed to render the produce raised or received fit to be taken to market, or by the sale of such produce.
3. Other mixed income from—
 - (a) cultivation, manufacture and sale of tea;
 - (b) cultivation of crops other than tea.
4. Other sources—
Dividends received on shares in companies and shares of agricultural income of firms, associations of persons and Hindu Undivided Families.

- A. Total agricultural income.
- B. Losses, if any, to be set off under section 36.
- C. Gross agricultural income-tax chargeable.
- D. Average rate of agricultural income-tax pies in the rupee.

- E. Deductions.—
 Sums included in total agricultural income in respect of which tax has already been paid or is not payable under section 14:—
 - (a) Dividends from companies, shares of agricultural income of firms or associations of persons.
 - (b) Share of agricultural income of a Hindu Undivided Family.
 - (c) Payments on account of—
 - (i) insurance premia or sums paid in respect of contracts for deferred annuities;
 - (ii) insurance premia on the life of any male member of a Hindu undivided family or on the life of the wife or a minor child of any member of such family.

- F. Total amount for which relief is due (including only one sixth of total agricultural income in respect of items in clauses (c) (i) and (c) (ii) above) and agricultural income-tax thereon.

Net amount of agricultural income-tax payable.

Penalty imposed under section 46 or/and 62.

Total sum payable

(Rupees

only).

Date
Place

19 .

Agricultural Income-tax Officer.
Address.*Note:—Strike out inappropriate words or figures.*THE RAJASTHAN AGRICULTURAL INCOME-TAX
ACT, 1953.

A. I. T. Form 5.

See Rule 9 (a) (i).

Form of Appeal against an order under section 44.

To

The Assistant Commissioner of Agricultural Income-Tax,
Rajasthan.

The... ..day of.... ... 195 .

The petition of....

of.... ...post office...., district... ...

sheweth as follows:—

Under section 44 of the Rajasthan Agricultural Income-tax
PetitionerAct, 1953, your.....who belonged to a Hindu undivided
Petitionersfamily hitherto assessed as undivided, claimed before the Agricul-
tural Income-tax Officer,, at the time of assessment
Membersthat a partition has taken place among the..... ..of the
groups of membersfamily and that the Hindu undivided family has ceased to exist as
such and the agricultural income is being enjoyed separately by
memberstheof such family in definite shares and prayed
groups of membersthat an order might be passed to this effect as laid down in section
44 (1) and that an assessment be levied as laid in section 44 (2).2. By his order, dated the.... .., a copy of which
is herewith attached and intimation in respect of which order was
received by your petitioner on.... .., the Agricultural
Income-tax Officer has refused to pass the order referred to above
and make assessment accordingly as laid down in section 44 (2).

Petitioner

3. For the reason stated in the grounds of appeal, your.....

Petitioners

request (s) that the Agricultural Income-tax Officer may be directed
to pass such an order under section 44 (1) and to levy an assessment
as laid down in section 44 (2).

GROUNDS OF APPEAL

Signed.

(Appellant)

Signed (Authorised representative if any).
Verification.

I/We,...

Petitioner

the..... named in the above petition, do hereby declare
Petitioners

that what is stated therein is true to the best of my information
and belief. Verified to-day, the our day
of 19 . at

Signed.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 6.

(See rule 9 (a) (ii).

*Form of Appeal against an Order refusing to make a fresh
assessment under section 45.*

To,
The Assistant Commissioner of Agricultural Income-tax Raj-
asthan The day of 19 .
The petition of
of , post office , district
sheweth as follows:—

1. Under the Rajasthan Agricultural Income-tax Act, 1953,
your petitioner's income/loss has been computed at Rs for
the year commencing on the 1st April, 19 .

*2. Your petitioner was prevented by sufficient cause from
making the return required by section 34 or did not receive the
notice issued under sub-section (2) or sub-section (4) of section 34
or sub section (2) of section 35 or had not a reasonable opportunity
to comply, or was prevented by sufficient cause from complying
with the terms of the notice under sub-section (4) of section 34 or
sub section (2) of section 35 as more particularly specified in the
grounds of appeal.

3. Your petitioner therefore presented a petition to the Agri-
cultural Income-tax Officer, , under section 45 requesting
him to cancel the assessment. This petition, the Agricultural
Income-tax Officer, by his order, dated , of which a copy is
attached has rejected.

4. Your petitioner therefore requests that the order of the
Agricultural Income-tax Officer may be set aside and that he may
be directed to make a fresh assessment in accordance with the law.

GROUNDS OF APPEAL

Signed.

Signed.

(Appellant)

(Authorised representative, if any)

Verification.

I, _____, the petitioner, named in the above petition, do hereby declare that what is stated therein is true to the best of my information and belief.

Verified to-day, the _____ day of _____ 19____, at _____ Signed.

*Delete the inappropriate words.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A.I. T. Form 7.

(See rule 9 (a) (iii)).

Form of Appeal against an order under section 46.

To, The Assistant Commissioner of Agricultural Income-tax, Rajasthan.

The _____ day of _____ 19____ of
The petition of _____
_____, post office _____, district _____,

sheweth as follows:—

1. Under section 46 of the Rajasthan Agricultural Income-tax Act, 1953, a penalty of Rs. _____ has been imposed on your petitioner by the Agricultural Income-tax Officer, _____. The notice of demand attached hereto was received by your petitioner on _____.

*2. Your petitioner had reasonable cause for not furnishing the return of the total agricultural income which he was required to furnish by notice given under sub-section (1) or sub-section (2) of section 34 or section 54 or for not furnishing it within the time allowed and in the manner required by such notice. Your petitioner had reasonable cause for not complying with the notice under sub-section (4) of section 34 or sub-section (2) of section 35.

Your petitioner did not conceal the particulars of his income or deliberately furnish inaccurate particulars of such income.

3. For the reasons given in the grounds of appeal your petitioner prays that the order of the Agricultural Income-tax Officer may be set aside.

Grounds of Appeal

Signed. _____ (Appellant)
Signed. _____ (Authorised representative, if any)
Verification.

I, _____, the petitioner named in the above petition, do hereby declare that what is Stated therein is true to the best of my information and belief.

Verified to-day, the _____ day of _____ 19____, at _____ Signed.

*Delete the inappropriate words.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 8.

See Rule 9 (a) (iv).

Form of appeal against an order under section 62 (1).

To,
The Assistant Commissioner of Agricultural Income-tax Raj-
asthan.

The day of 195 ..

The petition of
of post office....., district.....
sheweth as follows:—

1. Under sub section (1) of section 62 of the Rajasthan Agri-
cultural Income-tax Act, 1953, a (further) penalty of Rs.....
has been imposed on your petitioner. The notice of demand attached
hereto was received by your petitioner on.

2. As will be seen from the grounds of appeal your petitioner
had no intention to default.

3. The tax due in respect of the assessment for the assess-
ment yearhas already been paid.

4. For the reasons stated in the grounds of appeal, your peti-
tioner requests that the order of the Agricultural Income-tax
Officer imposing a penalty of Rsupon your petitioner
may be set aside.

GROUND OFS OF APPEAL

.....
.....

Signed. (Appellant)
Signed. (Authorised representative if any).

Verification.

I,, the petitioner named in the above
petition, do hereby declare that what is stated therein is true to the
best of my information and belief.

Verified to-day, the.....day of.....19 ,
at.....

Signed.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 9

(See rule 9 (a) (v).

*Form of Appeal against an Order refusing to grant a refund
under sections 64, 65 or 68.*

To,
The Assistant Commissioner of Agricultural Income-tax,
Rajasthan.....The.....day of.....19 ..

The petition ofof
....., Post office.....district.....
sheweth as follows:—

Your petitioner applied to the Agricultural Income-tax Officer.....for a refund under section 64/65/68 of Rajasthan Agricultural Income-tax Act, 1953, of Rs.

The Agricultural Income-tax Officer has by his order, dated the , of which a copy is attached, rejected the application/granted a refund of only Rs. Intimation

of this order was received by your petitioner on

For the reasons stated in the grounds of appeal, your petitioner, prays that the order of the Agricultural Income-tax Officer may be set aside and this refund asked for may be granted.

GROUND OF APPEAL

Signed.

(Appellant)

Signed.

(Authorised representative, if any).

Verification.

I, , the petitioner named in the above petition, do hereby declare that what is stated therein is true to the best of my information and belief.

Verified to-day, the day of 19 at .

Signed.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form No. 10.

(See Rule 9 (b)).

Form of Appeal against Assessment to Agricultural Income-tax.

To, The Assistant Commissioner of Agricultural Income-tax Rajasthan.

The day of 19 .
The petition of of ,
post office , district , sheweth as follows:—

1. Under the Rajasthan Agricultural Income-tax Act, 1953, for the year commencing on the 1st day of April, 19 ,

, your petitioner's total agricultural income has been assessed at /the amount of tax payable by your petitioner has been determined at , /the amount of loss incurred by your petitioner has been computed at .

2. The notice of demand attached hereto was received by your petitioner on

3. During the previous year ending on your
total agricultural income
petitioner's total tax worked out at and that during the said
loss amounted to

4. Your petitioner has made a return of his total agricultural income to the Agricultural Income-tax Officer.

, under section 34, sub-section $\frac{(1)}{(2) (3)}$ of the Act

and has complied with all the terms of the notice served on him by the Agricultural Income-tax Officer under section ^{34 (4)}
^{35 (2)}

5. For the reasons stated in the grounds of appeal your petitioner prays that he may be assessed accordingly
he may be declared not chargeable under the Act.

his total loss may be determined at

GROUND OF APPEAL.

Signed.

(Appellant)

Signed.

(Authorised representative if any).

Verification.

I, _____, the petitioner, named in the above petition, do hereby declare that what is stated therein is true to the best of my information and belief.

Verified to-day, the _____ day of _____ 19 _____,
at _____ Signed _____

N. B.—Delete the inappropriate words.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. FORM 11.

(See rule 12.)

Form of an Appeal to the Appellant Tribunal under Section 50.

In the Agricultural Income-tax Appellate Tribunal, Rajasthan.
No. _____ of 19 _____ (to be filled in by the office)
versus

Appellant.

Respondent.

Assessment year, and in the case of an assessment under section 54, the year in which the income should have been assessed.

Previous year

Commencing the _____ day of and ending the day of

Agricultural Income-tax Officer making the original order.

Section of the Rajasthan Agricultural Income-tax Act, 1953 under which the Agricultural Income-tax Officer passed the order.

Date of communication of the order of the Assistant Commissioner.

Address to which notices may be sent to the appellant.

Address to which notices may be sent to the respondent.

Relief claimed in appeal.

GROUND OF APPEAL.

(1)

(2)

(3)

(4)

, etc.

Signed,

(Appellant)

Signed. (Authorised representative, if any)
Verification.

I, , the appellant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified to-day the day of 19 . at Signed.

N. B.—The memorandum of appeal must be in triplicate and shall be accompanied by three copies (at least one of which shall be a certified copy) of the order appealed against, three copies of the grounds of appeal before the Assistant Commissioner and three copies of the order of the Agricultural Income tax Officer.

THE RAJASTHAN AGRICULTURAL INCOME-TAX

AJT. 1953.

A. I. T. Form No. 12.

(See rule 14).

Form of section 86 (2) Reference Application.

In the Agricultural Income tax Appellate Tribunal, Rajasthan. In the matter of the assessment... .. of (name of the assessee) 83 R. A. No. of 19 (to be filled in by the office).

..... Versus.....

Applicant

Respondent

Name and number of the appeal which gives rise to the reference.

The applicant states as follows:—

1. That the appeal noted above was decided by the Appellate Tribunal on

2. That notice of the order under sub section (5) of section 50 of the Rajasthan Agricultural Income-tax Act, 1953 was served on the applicant on

3. That the facts, which are admitted and/or found by the Appellate Tribunal and which are necessary for drawing up a statement of the case, are stated in the enclosure for ready reference.

4. That the following questions of law arise out of the order of the Appellate Tribunal:—

(1)

(2)

(3)

(4)

5. That the applicant, therefore, requires under sub-section (1) of section 83 of the aforesaid Act that a statement of the case be drawn up and the questions of law numbered.....out of the questions of law referred to in paragraph 4 above be referred to the High Court.

6. That the documents or copies thereof, as specified below (the translation in English of the documents, where necessary, is annexed) be forwarded to the High Court with the statement of the case.

Signed.

(Appellant)

Signed. (Authorised representative, if any).

N.B.—The application where it is made by an assessee must be accompanied by a fee of Rs. 50 is court fee stamp.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 13

[See rule 16 (1)]

Application for refund under section 64.

I, ... of ...
residing at ... in ..., do hereby state that my total agricultural income computed in accordance with the provisions of the Rajasthan Agricultural Income Tax Act, 1953, during the year ending on ... being the previous year for the assessment for the year beginning on the first day of April, 19 ..., amounted to Rs. ..., that the agricultural income tax chargeable in respect of such income-tax is Rs., and that the amount of agricultural income-tax paid is Rs.

Details showing how the agricultural income-tax chargeable is computed are appended.

I, therefore, pray for a refund of Rs.

Signed (Claimant)

Signed (Authorised representative, if any)

Verification.

I, ..., the claimant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified to-day, the ... day of ... 19 ..., at ...

Signed.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A.I.T. Form. 14.

(See rule 16 (2).)

Application for Refund under section 65 (2)

I; ... of ... (country), do hereby declare that my total world income computed in accordance with rule 19 during the year ending on ..., being the previous year for the assessment for the year ending on the 31st March, 19 ..., amounted to Rs. A return of my total world income in the prescribed form and as regards any dividends the original certificates granted by the companies under section 32 of the State of Rajasthan Agricultural Income-tax Act, 1953, are appended. The average rate of the Rajasthan Agricultural Income-tax applicable to an amount equivalent to my said total world income was ... pies in the rupee. The agricultural income received by me as share-holder/partner member

of*.....on which the tax is deemed to have been paid on my behalf under section 23 of the said Act during the same year amounted to Rs..... and the rate of the State of Rajasthan Agricultural Income-tax applicable to the total agricultural income of the said*... ..chargeable to tax under the said Act during the same year was.....pies in the rupee.

I, therefore pray for a refund of Rs..... calculated at pies the difference of these two rates) on Rs (the aforesaid amount of agricultural income in respect of which the tax is deemed to have been paid on my behalf under section 23 of the said Act.)

Signed (Claimant)

Signed. (Authorised representative, If any)

*State here name of the company, firm, or association of persons.

Verification.

I,, the claimant, do hereby declare that what is stated above is true to the best of my information and belief.

Verified to-day the... ..day of... ..19
... .., at... ..

Signed.

Sworn before me.

Signature

Designation

Place

Date

Seal

Note 1—An application for refund shall be made as follows:—

(a) If the applicant ordinarily resides in Rajasthan, to the Agricultural Income tax Officer of the area in which the applicant is chargeable directly to the tax, or if he is not chargeable directly to such tax to the Agricultural Income tax Officer of the area in which he ordinarily resides.

(b) If the applicant ordinarily resides outside Rajasthan, to the Agricultural Income-tax Officer empowered by the State Government to deal with non-resident refund cases at headquarters.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 15.

(See rule 16 (2).)

Form of Statement of Total World Income for Persons Claiming Refund Under Section 65 (2)

Agricultural Income-tax year 19 ..

Name of applicant for refund.

Address

Statement of total world income during the previous year ending on Sources of Income.

Amount of Income.

| | Rs. |
|--|------|
| 1. Agricultural income included in dividends received from such companies as have paid or will pay the | |
| - State of Rajasthan Agricultural Income-tax. | |
| 2 The remaining portion of the above dividends | |
| 3. Dividends from other companies | |
| 4. Share in income of firms: — | |
| (a) Rajasthan Agricultural income | |
| (b) Other income | |
| 5. Share in income from Hindu undivided family:— | |
| (a) Rajasthan agricultural income | |
| (b) Other income | |
| 6. Share in income of other association of persons:— | |
| (a) Rajasthan agricultural income | |
| (b) Other income | |
| 7. Other agricultural income derived from lands situated in (Rajasthan) | |
| 8. Other income (both agricultural and non-agricultural) derived from sources in the Republic of India | |
| 9. Other income (both agricultural and non-agricultural) derived from sources outside the Republic of India. | |
| Total world income | |

I declare that to the best of my knowledge and belief the information given above and in the appendices is correct and complete, and that the total world income relates to the year ended on

and that no other income, profits or gains were derived by me directly or indirectly in any part of the world. Verified to-day, the day of 19 , at

*Signature.

**Status.

NOTE 1.—All income, profits and gains shall be computed in accordance with the law of taxation, if any, in force in the place where such income, profits or gains are assessed to tax, or if assessed in more than one country, then of the place in which they are actually receivable by the assessee, and a certified copy of the assessment or a certificate from the authorities making the assessment or such other evidence as the applicant can obtain from the authorities responsible for the taxation shall be appended to this application in support of the computation. If no assessment is made in any, state or country, the unassessed agricultural income shall be computed as if such income were derived from lands in the State of Rajasthan, and the unassessed income. Profits and gains derived from non-agricultural sources, shall be computed as if such income profits and gains were derived from sources in the Republic of India.

NOTE 2.—The sums exempted under the provisions of the State of Rajasthan Agricultural Income-tax Act, 1952, and the rules made thereunder but to be included in the total world income are sums representing a share in a Hindu undivided family, company, firm or other association of persons which have already been assessed to agricultural income tax under the said Act.

*The signatory should satisfy himself that the return is correct and complete in every respect before signing the verification and the alternatives which are not required should be scored out.

** Please state here whether the applicant for refund is an individual, Hindu undivided family, company firm or other association of persons.

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form No. 17

[See rule 20A (4).]

Certificate No.....

Pursuant to the provisions in sub-rule (4) of rule 21-A of the Rajasthan Agricultural Income-tax, Rules, 1953, I hereby certify that having been admitted and enrolled as an agricultural Income-tax practitioner is entitled to practise as an agricultural income-tax practitioner before any agricultural income-tax authority and before the Agricultural Income-tax Tribunal in Rajasthan up to the end of the financial year 19..... 19....., now current.

Given under my hand the.....day of.....195 .

Commissioner,
Agricultural Income-tax,
Rajasthan.

| Certificate | | Signature to attest | Official Seal |
|-------------|------------|---------------------|---------------|
| Renewed on | Valid upto | | |
| 1 | 2 | 3 | 4 |

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

A. I. T. Form 18

Notice of Hearing Under Sub-section (2) of Section 35.

Assessment For The Year 19 19 .

To

.....(Assessee)
.. .. . (Address)

G.I.R. No.....

Whereas I am not satisfied without requiring your presence or production of evidence that return furnished by you for the period mentioned below is correct and complete, I hereby require you to attend in person or to produce or cause to be produced evidence on which you may rely in support of such return at the place and time given below.

Assessment for the year 19 19 .

Authority before whom to appear.....

Place of hearing.....

Date of hearing.....

Time of hearing.....

Evidence required to be produced:—

Agricultural Income-tax Officer,

Date the.....19 .

THE RAJASTHAN AGRICULTURAL INCOME-TAX ACT. 1953.

A. I. T. Form 19.

Re-assessment.

Form of Notice Under Section 54.

Notice Under Section 54 of the Agricultural Income Tax Act, 1953

Agricultural Income-Tax, office,
Dated.....195

To.

.....
.....

Whereas in consequence of definite information which has come into my possession I have discovered that your income assessable to Agricultural Income-tax for the year ending 31st March, 195 has—

- (a) escaped assessment.
- (b) been under-assessed.
- (c) been assessed at too low a rate.
- (d) been subject of excessive relief.

assess

I therefore propose to.....the said income that has—
re-assess

- (a) escaped assessment.
- (b) been under assessed.
- (c) been assessed at too low a rate.
- (d) been the subject of excessive relief.

I hereby require you to deliver to me not later than.....
.....or within 30 days of the receipt of this notice
a return in the attached form of your total income assessable for
the said year ending 31st of March, 195 .

Seal.

AGRICULTURAL INCOME-TAX,

Officer.

*(a) to (d): Unnecessary portions to be struck off.

FORM 21.

(See Rule 18 A)

APPLICATION FOR COMPOSITION OF AGRICULTURAL
INCOME TAX UNDER SECTION 61 A.

To

The Agricultural Income Tax Officer,

.....

Agricultural Income Tax year 19.....19.....

I S/o..... R/o..... beg to apply for permission to compound the agricultural income tax payable by me for the agricultural income tax year/years 19.....19 and to pay in lieu thereof a lump sum at the rate or rates specified under section 61A with reference to Part III of the schedule to the Act.

I furnish below the particulars of the lands owned or held by me:—

| 1 Name of Village, Tehsil and District in which the land is situated | 2 Area of land possessed (Year-wise) | | | 3 Area of land cultivated (Year-wise) | | | Remarks |
|---|--|-------------|-------|---|-------------|-------|---------|
| | Irrigated | Unirrigated | Total | Irrigated | Unirrigated | Total | |

I declare that to the best of my knowledge and belief the information furnished above is true and complete and that I hold no other agricultural land in the State.

Signature.....

State.....

Address.....

RAJASTHAN Agricultural Income-Tax Appellate Tribunal Rules, 1956.

Notes

Section 31 of the Rajasthan Agricultural Income-Tax Act, 1953 providing, for Agricultural Income-Tax Appellate Tribunal, reads as under:—

(1) The State Government shall, from time to time, appoint as and when may be necessary for the purpose of hearing appeals preferred under section 50 an appellate tribunal consisting of one or more members :

Provided that at least one member of the tribunal so appointed shall be a Judicial Officer who has exercised the powers of a District Judge or who possesses such qualifications as are normally required for appointment to the post of a District Judge in Rajasthan or an advocate of at least 10 Years standing :

Provided further that where the Tribunal consists of two or more members, one member shall be an officer who has had considerable revenue experience and has been in the service of Government for not less than 10 years.

(2) The appointment of any member of the Tribunal shall be for such period as the State Government may determine and the period so determined may be extended from time to time by the State Government for such further period or periods as the State Government may consider necessary.

(3) The Judicial Member shall be the President of the Appellate Tribunal.

(4) If the members of the Appellate Tribunal differ in opinion on any point, the point shall be decided according to the opinion of the majority :

Provided that where there is no such majority and the Members of the Appellate Tribunal are equally divided, the point on which they differ shall be decided according to the opinion thereon of the Assistant Commissioner from whose order the appeal before the Appellate Tribunal has been preferred.

(5) Subject to the provisions of this Act the Appellate Tribunal shall have power to regulate its own procedure in all matters relating to the discharge of its functions.

Sub section (v) of the above section authorises the Appellate Tribunal to regulate its own procedure. These rules have been framed for such regulation.

In pursuance of sub section (5) of section 31 of the Rajasthan Agricultural Income-Tax Act, 1953 (XXIII of 1953), the Appellate Tribunal is pleased to make the following rules, namely :—

1. (1) These rules may be called the Appellate Tribunal Rules, 1956.

(2) They shall come into force on the 1st March, 1956.

2. In these rules unless there is anything repugnant in the subject or context—

(i) "Act" means the Rajasthan Agricultural Income-Tax Act, 1953 (XXIII of 1953).

(ii) "Authorised representative" means—

(a) in relation to an assessee, a person duly authorised by the assessee under section 81 to attend before the Tribunal; and

(b) in relation to an agricultural income-tax authority who is a party to any proceeding before the Tribunal, a person duly

These rules have been first published in Rajasthan Raj-patra Dated March 17, 1956 part IV (c) at page 1233.

appointed by the Government of Rajasthan by notification in the official Gazette as authorised representative to appear, plead and act for such authority in any such proceeding, and any other person acting on behalf of the person so appointed.

(iii) "Member" means a member of the Tribunal.

(iv) "Prescribed form" means a form prescribed in the rules made by the Government of Rajasthan under Rule 12 of the Rajasthan Agricultural Income-Tax Rules, 1953.

(v) "President" means the President of the Tribunal.

(vi) "Registrar" means the person who is for the time being discharging the functions of the Registrar of the Tribunal.

(vii) "Section" means a section of the Act.

(viii) "Tribunal" means the Appellate Tribunal constituted by the Government of Rajasthan under section 31.

3. The language of the Tribunal shall be English, but the Tribunal may, in its discretion, allow applications in Hindi.

4. (1) A memorandum of appeal to the Tribunal shall be presented by the appellant in person or by a duly authorised representative to the Registrar at the head-quarters of the Tribunal at Jaipur or to an officer authorised in this behalf by the Registrar or sent by registered post addressed to the Registrar or to such officer.

(2) A memorandum of appeal sent by post under sub-rule (1) shall be deemed to have been presented to the Registrar or to the officer authorised by the Registrar, on the day on which it is received in the office of the Tribunal at Jaipur or as the case may be, in the office of such officer.

5. The Registrar or, as the case may be, the authorised officer shall endorse on every memorandum of appeal the date on which it is presented or deemed to have been presented under rule 4 and shall sign the endorsement.

6. Every memorandum of appeal shall be written in English and shall set forth, concisely and under distinct heads the grounds of appeal without any argument or narrative, and such grounds shall be numbered consecutively.

7. (1) Every memorandum of appeal shall be in triplicate and shall be accompanied by three copies (at least one of which shall be a certified copy) of the order appealed against, three copies of the grounds of appeal before the Assistant Commissioner and three copies of the order of the Agricultural Income-Tax Officer.

(2) The Tribunal may, in its discretion, accept a memorandum of appeal which is not accompanied by all or any of the documents referred to in sub-rule (1).

8. Where a fact which cannot be borne out by, or is contrary to the record is alleged, it shall be stated clearly and concisely and supported by duly sworn affidavit.

9. The appellant shall not, except by leave of the Tribunal urge or be heard in support of any ground not set forth in the memorandum of appeal, but the Tribunal in deciding the appeal shall not be confined to the grounds set forth in the memorandum of appeal or taken by leave of the Tribunal under this rule:

Provided that the Tribunal shall not rest its decision on any other ground unless the party who may be affected thereby has had a sufficient opportunity of being heard on that ground.

10. The Tribunal may reject a memorandum of appeal, if it is not in the prescribed form or return it for being amended within such time as it may allow. On re-presentation after such amendment the memorandum shall be signed and dated by an officer authorised in this behalf by the Tribunal.

11. In an appeal by an assessee under sub-section (1) of section 50 or sub-section (3) of section 53, the Agricultural Income-Tax Officer concerned shall be made a respondent to the appeal.

12. In an appeal by an Agricultural Income-Tax Officer under sub-section (2) of section 50, the appellant before the Assistant Commissioner shall be made a respondent to the appeal.

13. In an appeal under sub-section (2) of section 50, a certified copy of the order of the Commissioner directing that an appeal be preferred, shall be appended to the memorandum of appeal.

14. Where a memorandum of appeal is signed by an authorised representative, the assessee shall append to the memorandum a document authorising the representative to appear for him and if the representative is a relative of the assessee, the document shall state what his relationship is with the assessee or if he is a person regularly employed by the assessee, the document shall state the capacity in which he is at the time employed:

Provided that such a document need not be appended in the case of an appeal under sub-section (2) of section 50 of the Act.

15. An authorised representative appearing for an assessee at the hearing of an appeal shall, unless he has already filed his authority and his acceptance of it under Rule 14, before the commencement of the hearing, file his authority and his acceptance of authority containing the particulars required by rule 14.

16. The Tribunal may, on an application made by an appellant, direct the preparation of a paper book at the cost of the appellant. If such a direction is given, the parties to the appeal shall be required by the Registrar to state what papers and documents they desire to be included in the paper book. On receipt of the statements of the parties, the Registrar shall take such action as may be necessary for the preparation of the paper book.

17. (1) The Tribunal shall notify to the parties the date and place of hearing of the appeal, and send a copy of the memorandum of appeal to the respondent either before or with such notice.

(2) The issue of the notice referred to in sub-rule (1) shall not by itself be deemed to mean that the appeal has been admitted.

18. The date and place of hearing of the appeal shall be fixed with reference to the current business of the Tribunal and the time necessary for the service of the notice of appeal, so as to allow the parties sufficient time to appear and be heard in support of or against the appeal.

19. In an appeal under sub section (1) of section 50 in fixing the date for the respondent to appear and answer to the appeal a reasonable time shall be allowed for the necessary communication with the Commissioner through the proper channel and for the issue of instructions to an authorised representative to appear and answer on behalf of the respondent.

20. On the day fixed, or any other day to which the hearing may be adjourned, the appellant shall be heard in support of the appeal. The Tribunal shall then if it does not dismiss the appeal at once, hear the respondent against the appeal, and in such case the appellant shall be entitled to reply.

21. Where on the day fixed for hearing or any other day to which the hearing may be adjourned, the appellant does not appear when the appeal is called on for hearing, the Tribunal may, in its discretion, either dismiss the appeal for default or may hear it *ex-parte*.

22. Where on the day fixed for hearing or any other day to which the hearing may be adjourned, the appellant appears and the respondent does not appear when the appeal is called on for hearing, the Tribunal may hear the appeal *ex parte*.

Explanation :In rules 21 and 22 "appear" means appear in person or through an authorised representative.

23. Where an assessee whether he be the appellant or the respondent to an appeal dies or is adjudicated an insolvent or in the case of a company which is being wound up, the appeal shall not abate and may, if the assessee was the appellant, be continued by, and if he was the respondent be continued against, the executor, administrator or other legal representative of the assessee or by or against the receiver or liquidator as the case may be.

24. The respondent, though he may not have appealed, may support the order of the Assistant Commissioner on any of the grounds decided against him.

25. Where the Tribunal is of opinion that the case should be remanded it may remand it to the Assistant Commissioner or the Agricultural Income Tax Officer, with such directions as the Tribunal may think fit.

26. The parties to the appeal shall not be entitled to produce additional evidence either oral or documentary before the Tribunal, but if the Tribunal requires any document to be produced or any

witness to be examined or any or any affidavit to be filed to enable it to pass orders or for any other substantial cause, or if the Agricultural Income-Tax Officer has decided the case without giving a sufficient opportunity to the assessee to adduce evidence either on points specified by him or not specified by him, the Tribunal may allow such document to be produced or witness to be examined or affidavit to be filed or may allow such evidence to be adduced.

27. Such document may be produced or such witness examined or such evidence adduced either before the Tribunal or before the Assistant Commissioner or before the Agricultural Income-Tax Officer, as the Tribunal may direct.

28. If the document is directed to be produced or witness examined or evidence adduced before the Assistant Commissioner or the Agricultural Income Tax Officer, he shall comply with the direction of the Tribunal and after compliance send the document, the record of the deposition of the witness or the record of the evidence adduced, to the Tribunal.

29. The Tribunal may, on such terms as it thinks fit, and at any stage adjourn the hearing of the appeal.

30. The proceedings before the Tribunal shall not be open to the public. No person except the assessee, his employee, his authorised representative including counsel engaged by him or by the authorised representative, shall without the permission of the Tribunal, remain present when an assessee's case is being heard by the Tribunal.

Provided that the provisions of this rule shall not apply to the Officers of the Agricultural Income-Tax Department and counsel engaged by it.

31. The order of the Tribunal shall be in writing and shall be signed and dated by the members constituting it.

32. The Tribunal shall, after the order is signed, cause it to be communicated to the assessee and to the Commissioner.

33. An application for reference under subsection (2) of section 86 shall be in triplicate and shall be accompanied by a list of documents (particulars of which shall be stated) which in the opinion of the applicant should form part of the case and translation in English of any such document, where necessary.

34. Rules 4, 5, 10, 17, 18, 19, 20, 23, and 31 shall apply *mutatis mutandis*, to an application under sub-section (2) of section 86.

35. Where the application is by an assessee, the Commissioner shall be made a respondent.

36. Where the application is by the Commissioner, the assessee shall be made a respondent.

37. On receipt of the notice of the date of hearing of the application, a respondent shall, at least 7 days, before the date of hearing, submit a reply in writing to the application.

38. The reply to the application shall specifically admit or deny whether the question of law formulated by the applicant arises out of the order under sub-section (5) of section 50. If the question formulated by the applicant is defective, the reply shall state in what particulars the question is defective and what is the exact question of law which arises out of the said order. The reply shall be accompanied by two copies thereof, a list of documents (the particulars of which shall be stated), in the opinion of the respondent should form part of the case and a translation in English of any such document where necessary.

39. On the day fixed for the hearing of the application or any other day to which the hearing may have been adjourned, after hearing the parties, the Tribunal shall dismiss the application if it is of opinion that no question of law arises out of the order passed under sub-section (5) of section 50.

40. Where the Tribunal is of opinion that a question of law arises out of the order under sub-section (5) of section 50, it shall draw up a statement of the case.

41. The Tribunal shall append to the statement documents which in its opinion should form part of the case.

42. The order on the application for reference shall be communicated to the assessee and the Commissioner.

43. (1) Copying fees shall be charged as follow:-

- | | |
|---|----------|
| (a) for the first 200 words or less | 12 annas |
| (b) For every additional 100 words or fraction thereof. | 6 annas |

(2) Copying fees shall be recovered in advance in cash.

(3) Where a party applies for immediate delivery of a copy of evidence taken down by a stenographer, the fees chargeable shall be 50% more than in sub-rule (1), the extra fees charged shall be paid to the stenographer.

(4) Except in cases where copies are supplied free under the rules or instructions for the time being in force and in cases covered by sub-rule (3), the scale of fees to be charged for the supply of copies urgently shall be twice those prescribed by sub-rule (1).

44. (1) Fees for inspecting records and registers of the Tribunal shall be charged as follows:

- | | |
|--|-----------|
| (a) for the first hour or part thereof— | 13 annas. |
| (b) for every additional hour or part thereof— | 8 annas. |

(2) Fees for inspection shall be recovered in advance in cash.

(3) No fees shall be charged for inspecting records of a pending appeal or application by a party thereto.

ANANDNARAIN KAUL,
Member Appellate Tribunal, Agricultural
Income-Tax, Rajasthan, Jaipur.

NOTIFICATIONS UNDER
RAJ. AGRICULTURAL INCOME TAX ACT, 1953

Published in Raj. Raj-patra Dated April 17, 1954 part I (a) at page 18 :

SEPARATE REVENUE DEPARTMENT.

NOTIFICATION

Jaipur, April 3, 1954.

No. F. 37(3) S.R./52.—In exercise of the power conferred by Section 30 of the Rajasthan Agricultural Income Tax Act, 1953, the Government of Rajasthan is pleased to appoint Shri Mulk Raj Mahajan, to be the Commissioner of Agricultural Income Tax for the whole of Rajasthan.

By Order of
His Highness the Rajpramukh
J. N. PUROHIT.
Secretary to the Government.

Published in Raj. Raj-patra Dated October 23, 1954 part IV. (c) at page 1 :

SEPARATE REVENUE DEPARTMENT

NOTIFICATION

Jaipur, October 22, 1954.

No. F. 30 (12) SR/54.—In exercise of the powers conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. XXIII of 1953) the Government of Rajasthan is pleased to empower the Deputy Commissioner, Customs and Excise, Jaipur Division, Jaipur to exercise the powers and to perform the duties of an Assistant Commissioner, of Agricultural Income Tax for the purpose of hearing appeals filed under any provision of the said Act against an order of any Agricultural Income Tax Officer. His Jurisdiction shall extend to the whole of Rajasthan.

By Order of
His Highness the Rajpramukh.
BIKRAM PRAKASH,
Deputy Secretary to the Government.

Published in Raj. Raj-patra Dated March 29, 1955 part I (a) at page 303 :

SEPARATE REVENUE DEPARTMENT.

NOTIFICATIONS

Jaipur, March 28, 1955.

No. F. 50 (8) SR/55.—In exercise of the powers conferred by sub-section (1) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953, His Highness the Rajpramukh of Rajasthan is pleased to appoint Shri Goverdhan Singh Mehta, I. A. S., Commissioner Customs and Excise to be ex-officio Commissioner of Agricultural Income Tax for Rajasthan.

Jaipur, March 28, 1955:

No. F. 50 (8) SR/55.—In exercise of the powers conferred by sub-section (4) of Section 30 of the Rajasthan Agricultural Income Tax Act, 1953, His Highness the Rajpramukh of Rajasthan is pleased to empower the Additional Commissioner of Agricultural Income Tax, Rajasthan to exercise the powers and perform the functions of the Commissioner of Agricultural Income Tax, Rajasthan in respect of revisions under Sections 52 and 53 of the said Act.

Published in Raj. Raj-patra Dated March 5, 1955 part I (b) at page 755 :

SEPARATE REVENUE DEPARTMENT.

(*Authorised Translation in English Language.*)

NOTIFICATION

Jaipur, February 24, 1955.

No. F. 52 (1) SR/53.—In exercise of the powers conferred by section 80 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953),

the Government of Rajasthan is hereby pleased to exempt the Khetri Thikana from the Agricultural income tax in respect of so much of its total agriculture income as was spent on the maintenance of medical, veterinary and educational institutions for the public in the period from the 1st April, 1953 to 31st March, 1954, provided such income is proved to have been so used by production of accounts to the satisfaction of the Agricultural Income Tax Officer concerned.

By Order of
His Highness the Rajpramukh,
J. N. PUROHIT,
Secretary to the Government.

Published in Raj. Raj-patra Dated May 7, 1955 part I (a) at page 39 :

(English Translation Authorised by His Highness the Rajpramukh).
Jaipur, April 27, 1955.

No. F. 37 (1) SR/55.—In exercise of the powers conferred by sub section (4) of section 30 of the Rajasthan Agricultural Income-Tax Act, 1953 (Rajasthan Act XXIII of 1953) the Government of Rajasthan is hereby pleased to empower the Deputy Commissioners Excise and Taxation, Bikaner, Jaipur, Jodhpur, Kotah, and Udaipur to exercise the powers and perform the duty of an Assistant Commissioner of Agricultural Income-Tax for the purpose of hearing appeals filed under any provision of the said Act, against an order of any Agricultural Income-Tax Officer within the areas in the Bikaner, Jaipur, Jodhpur, Kotah and Udaipur Divisions respectively.

This is in supersession of this Department Notification No. F. 30 (12) SR/54 dated 22nd October, 1954.

By Order of
His Highness the Rajpramukh,
J. N. PUROHIT
Secretary to the Government.

Published in Raj. Raj-patra Dated April 16, 1955 part I (b) at page 47 :

(English Translation Authorised by His Highness the Rajpramukh.)
Jaipur, April 7, 1955.

No. F. 30 (15) SR/54.—In exercise of the powers conferred by sub-section (1) of section 31 of the Rajasthan Agricultural Income Tax Act 1953 (Rajasthan Act XXIII of 1953) the Government of Rajasthan is hereby pleased to constitute an Appellate Tribunal consisting of one member for the purpose of hearing appeals preferred under section 50 of the said Act.

By Order of
His Highness the Rajpramukh,
J. N. PUROHIT,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 16, 1955 part I (a) at page 13 :

ENGLISH TRANSLATION
(Authorised by His Highness the Rajpramukh.)
Jaipur, April 7, 1955.

No. F. 30 (15) SR/54.—In exercise of the powers conferred by section 31 of the Rajasthan Agricultural Income Tax Act 1953 (Rajasthan Act XXIII of 1953) the Government of Rajasthan is hereby pleased to appoint Shri A.N. Kaul R. J. S. District and Sessions Judge, Jaipur City to be a Member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under section 50 of the said Act, and to specify his period of appointment as one year.

By Order of
His Highness the Rajpramukh
J. N. PUROHIT,
Secretary to the Government.

Published in Raj. Raj-patra Dated February 11, 1956 part I (a) at page 305 :

(English Translation Authorised by His Highness the Rajpramukh).

NOTIFICATION

Jaipur, February 1, 1955.

No D./615/Est./56.—In exercise of the power conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953) His Highness the Rajpramukh of Rajasthan hereby empowers the Additional Commissioner of Agricultural Income Tax, Rajasthan, ex-officio, to exercise the powers and perform the functions of the Commissioner of Agricultural Income Tax, Rajasthan under sub-section (2) of section 50 of the said Act.

By Order of

His Highness the Rajpramukh,

G. S. PUROHIT,

Secretary to the Government,

Published in Raj. Raj-patra Dated May 5, 1956 part I (a) at page 48 :

ENGLISH TRANSLATION

(Authorised by His Highness the Rajpramukh)

NOTIFICATIONS.

Jaipur, April 21, 1956.

Sub:—Agricultural Income Tax Appellate Tribunal.

No. F. 30 (32) E & T/55—In exercise of the powers conferred by sub-section (2) of Section 31 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the Government of Rajasthan has been pleased to extend by one year the period of appointment of Shri Anand Narain Kaul, R. J. S. as sole member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under Section 50 of the said Act, notified under Separate Revenue Department Notification No. F. 30 (15) SR/54, dated the 7th April, 1955.

Published in Raj. Raj-patra Dated September 13, 1956 part I (b) at page 541 :

ENGLISH TRANSLATION

(Authorised by His Highness the Rajpramukh)

Jaipur, August 30, 1956.

No. F. 52 (8) E & T/55.—In exercise of the powers conferred by section 80 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953) the Government of Rajasthan hereby exempts all Jagirdars (in addition to the Khetri Thikana which has already been exempted under notification No. F. 52 (1) SR/53, dated the 25th February, 1955 issued by this Department) from the agricultural income tax in respect of so much of their total agricultural income as was spent on the maintenance of medical, veterinary and educational institutions for the public in the period from the 1st April, 1953 to the 31st March, 1954, provided such income is proved to have been so used by the production of accounts to the satisfaction of the Agricultural Income Tax Officer concerned.

Published in Raj. Raj-patra Dated July 4, 1957 part I (a) at page 101 :

EXCISE AND TAXATION DEPARTMENT

NOTIFICATION

Jaipur, June 26, 1957.

Sub:—Agricultural Income Tax Appellate Tribunal.

No. F. 30 (32)/E. & T/55.—In exercise of the powers conferred by sub-section (2) of section 31 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the Government of Rajasthan has been pleased to extend with effect from 21-4-1957 to 28-2-1958 the period of appointment of Shri Anand Narain Kaul, R.J.S. as sole member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under section 50 of the said Act, by

Separate Revenue Department Notification No. F. 30 (15) S.R./54, dated the 7th April, 1955.

By Order of the Governor,
G. S. PUROHIT,
Secretary to the Government

Published in Raj. Raj-patra Dated October 24, 1957 part I (b) at page 681 :

**EXCISE AND TAXATION DEPARTMENT
NOTIFICATION**

Jaipur, October 4, 1957.

No. F. 52 (8)/E & T/55.—In exercise of the powers conferred by section 80 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953) The Government of Rajasthan hereby directs that for the words and figures "31st March, 1954," occurring in the Notification No. F. 52 (8) E & T/55, dated the 30th August, 1956, published in the Rajasthan Gazette Part I-B, dated the 13th September, 1956, the words "date of resumption of their respective jagirs" shall be and always be deemed to have been substituted.

By Order of the Governor,
K.N. BHARGAVA,
Secretary to the Government.

Published in Raj. Raj-patra Dated April 1, 1958 part IV (c) at page 3 :

Jaipur, April 1, 1958.

No. F. 11 (51) E&T/58/II.—In exercise of the power conferred by sub-section (2) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953) and in supersession of Notification No. F. 30 (12) SR/53, dated the 23rd April, 1954, the State Government does hereby appoint all the Assistant Commissioners of Excise and Taxation Department, in virtue of office, to be the Agricultural Income Tax Officers within their respective jurisdiction except in the District of Ganganagar.

Published in Raj. Raj-patra Dated April 17, 1958 part I (a) at page 32 :

**EXCISE AND TAXATION DEPARTMENT
NOTIFICATION**

Jaipur, March 26, 1958.

No. F. 30. (32)/E. & T./55.—In exercise of the powers conferred by sub-Section (2) of section 31 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the Government of Rajasthan has been pleased to extend with effect from the 1st March, 1958 to 28th February, 1959 the period of appointment of Shri Anand Narain Kaul, R.J.S. as sole member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under section 50 of the said Act, notified under Separate Revenue Department Notification No. F. 30 (15) SR/54, dated the 7th April, 1955.

By Order of the Governor.
G. S. PUROHIT,
Secretary to the Government.

Notifications under

RAJASTHAN AGRICULTURAL INCOME-TAX ACT, 1953.

Published in Rajasthan Raj-patra part I (a) dated April 23, 1959 at page 33

Excise and Taxation Department.

NOTIFICATION

Jaipur, April 3, 1959.

No. F. 30 (32)/E&T/55.—In exercise of the powers conferred by sub-section (2) of section 31 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the Government of Rajasthan has been pleased to extend with effect from the 1st March, 1959 to 5th February, 1960 the period of appointment of Shri Anand Narain Kaul R. J. S. as sole member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under section 50 of the said Act, notified under separate Revenue Department Notification No. F. 30 (15)/SR/54, dated the 7th April, 1955.

By Order of the Governor,

G. S. PUROHIT,

Secretary to the Government.

Published in Raj. Raj-patra part I (b) dated July 14, 1960 at page 222-223.

Jaipur, February 4, 1960.

No. F. 5(78) E. T./59—In pursuance of sub-section 4 of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXIII of 1953) and in partial modification of notification No. F. 37 (1) S.R./55, dated the 27th April, 1955 the State Government hereby empowers.—

1. the Dy. Commissioner, Excise and Taxation, Kota to exercise the powers and perform the duties of an Assistant Commissioner of Agricultural Income Tax for the purpose of hearing appeals filed under any provision of the said Act against an order of any Agricultural Income Tax Officer in respect of the Districts of Alwar and Bharatpur; and
2. the Dy. Commissioner, Excise and Taxation, Ajmer Division Jaipur to exercise the powers and perform the duties of an Assistant Commissioner of Agricultural Income Tax for the purpose of hearing appeals filed under the said Act against the Assessment orders of Shri T. K. Joshi in his capacity as Agricultural Income Tax Officer, Bhilwara.

Jaipur, February 5, 1960.

No. F. 30(32) E. T/55.—In exercise of the powers conferred by sub-section (2) of section 31 of the Rajasthan Agricultural

Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the Government of Rajasthan has been pleased to extend with effect from the 6th February, 1960 to 5th February, 1961 the period of appointment of Shri Anand Narain Kaul, R. J. S., as sole member of the Appellate Tribunal constituted for the purpose of hearing appeals preferred under section 50 of the said Act. notified under separate Revenue Department Notification No. F. 30(15) S. R./54, dated the 7th April, 1955.

Published in Raj. Raj-patra part IV (c) dated December 8, 1960 at page 519

Jaipur, November, 22, 1960.

No. F. 14 (88) E & T/60 (III).—In exercise of the powers conferred by sub-section 4 of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Act No. XXIII of 1953) and in supersession of Separate Revenue Department Notification No. F. 37 (1) SR/55 dated the 27th April, 1955 and of this Department Notification No. F. 5 (78) ET/59 dated the 4th February, 1960 the State Government hereby, empowers all the Deputy Commissioners (Appeals), Excise and Taxation to exercise the powers and perform the duties of an Assistant Commissioner of Agricultural Income Tax for the purpose of hearing appeals filed under the provisions of the said Act against the order of an Agricultural Income Tax Officer within the areas of their respective jurisdictions.

Notifications under

RAJASTHAN AGRICULTURAL INCOME TAX ACT, 1953.

Published in Raj. Raj-patra part IV (c) dated July 26, 1962 at page 389:

Jaipur, July 6, 1962.

No. F. 11 (42) E&T62/.—In exercise of the powers conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act No. 23 of 1953), the State Government hereby appoints the Deputy Commissioners (Appeals), Excise and Taxation, Jodhpur and Jaipur to be "Appellate Authorities" for the districts given below against each in addition to their existing jurisdiction.

District

- | | |
|---|--|
| 1. Deputy Commissioner, Excise and Taxation (Appeals), Jodhpur, | Udaipur, Chittorgarh, Bhilwara, Banswara and Dungarpur |
| 2. Deputy Commissioner, Excise and Taxation (Appeals), Jaipur. | Kotah, Bundi, Tonk, and Jhalawar, |

By Order of the Governor,
S. P. SINGH BHANDARI,
Secretary to the Government.

Notification under

Rajasthan Agricultural Income Tax, Act, 1953.

(Rajasthan Gazette-Part IV (Ga)-dated 26-10-1963 (Page 543.)

NOTIFICATION

Notification No. F. 14 (82) FD (RT) 63-I.—In exercise of the powers conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act XXXIII of 1963), the State Government hereby empowers the Additional Commissioner Taxation, Excise & Taxation, Rajasthan to exercise the powers and perform the functions under the said Act, of the Commissioner of Agricultural Income Tax, throughout the State of Rajasthan.

(Rajasthan Gazette-Part IV (Ga)-Pages 1219-1220 dated 1-1-1964).

Notification No. F. 11 (50) ET/58.—In exercise of the powers conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax, Act, 1953 (Rajasthan Act 23 of 1953), the State Government hereby empowers every Assistant Sales Tax Officer posted in Nagaur District, to exercise the powers and perform the functions and duties under the said Act, of an Agricultural Income Tax Officer within his respective territorial jurisdiction under the Rajasthan Sales Tax Act, 1954 (Rajasthan Act, 29 of 1954).

Rajasthan Gazette Extraordinary dated 6-1-1964-Part IV (Ga)

Notification No. F. 11 (50) E & T/58.—In exercise of the powers conferred by sub-section (4) of section 30 of the Rajasthan Agricultural Income Tax Act, 1953 (Rajasthan Act 23 of 1953) and in supersession of this department notification of even number dated the 14th November, 1963, the State Government hereby empowers the additional Collector, Sri Ganganagar, in virtue of his office, to exercise the powers and perform the functions and duties under the said Act of an Agricultural Income Tax Officer for Sri Ganganagar District with effect from the date of his taking over charge of the said post.

Rules and Notifications under

AGRICULTURAL LANDS UTILISATION ACT, 1954.
THE RAJASTHAN (22 OF 1954).

THE RAJASTHAN Agricultural Lands Utilisation Rules, 1958.

REVENUE 'B' DEPARTMENT
NOTIFICATIONS

Jaipur, February 19, 1958.

No. F. 1 (1) Rev. B/53:—In exercise of the powers conferred by section 9 of the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act XXII of 1954) the State Government hereby makes the following rules, namely:—

Notes

Section 4 (1) of the Rajasthan Agricultural Lands Utilisation Act, 1954 authorises the State Government to prescribe, the form of requisite notice. Sub-section (iv) of this section requires the State Government to prescribe the order of preference and manner in which the allotment of land shall be made. Section 9 of the Act gives the State Government the power to make rules for carrying out the provisions of the Act. The present rules are intended for this purpose.

1. *Short title, extent and commencement:*—(1) These rules may be called the Rajasthan Agricultural Lands Utilisation Rules, 1958.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. *Interpretation.*—In these Rules, unless there is anything repugnant in the subject or context.—

1. 'the Act' means the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act XXII of 1954);

2. 'form' means a form appended to these rules;

3. 'section' means a section of the Act.

3. *Form of notice under section 4.*—The notice under section 4 of the Act shall be in form A.

4. *Order of preference.*—(1) If the land is khudkasht, it shall be let out for cultivation to the tenant of khudkasht, if any, and failing such tenant, it shall be let out for cultivation in the order indicated in sub-rule (2).

(2) If the land is not khudkasht and there be more than one person requiring the land, the allotment shall be made in the following order:—

(i) to co-sharers of the holding if it forms part of a compact block or is irrigated from the same source, preference amongst such co sharers being given to one having land less than the area indicated in rule 24A of the Rajasthan Tenancy (Government) Rules, 1955;

(ii) to persons residing in the village in which the land to be situated, preference amongst such persons being given to

persons having no land, or less than the area indicated in rule 24A of the Rajasthan Tenancy (Government) Rules, 1955;

- (iii) to other landless persons of adjoining villages; and
- (iv) to other landless persons of neighbouring tehsils.

(3) In this rule, a 'landless persons' shall mean a *bona fide* agriculturist by profession who cultivates or can reasonably be expected to cultivate the land personally but who does not hold any land either in his own name or in the name of any member of his joint family or who holds an area which is less than the area indicated in rule 24A of the Rajasthan Tenancy (Government) Rules, 1955.

5. *Menner of letting out land*:—(1) The person to whom land is let out for cultivation under sub section (4) of section 4 of the Act, shall be given a lease in form C appended to the Rajasthan Tenancy (Government) Rules, 1955.

(2) The rent payable by the allottee shall be—

- (a) where rent in respect of such land has no been settled, the rent rate sanctioned therefor during the last settlement; and
- (b) where rent in respect of such land has not been settled, the rent rate sanctioned during the last settlement for similar land in the neighbourhood.

FORM A.

(See rule 3)

Notice under section 4 of Rajasthan Act XXII of 1954.

Court of the Collector.....

Whereas I..... (name) Collector of (District) am satisfied that the agricultural land particulars whereof are given in the schedule below has remained uncultivated for..... years although it is reported has not at all been cultivated to be culturable;

Now, therefore, in exercise of the powers conferred by section 4 of the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act XXII of 1954) I hereby call upon you s/o caste..... resident..... tehsil..... district..... *landholder tenant of the aforesaid land, within 30 days of the date of the service of this notice.

- (a) to cultivate the said land personally, or
- (b) to arrange for its cultivation forthwith, or
- (c) to let out or sub-let such land for cultivation. Take notice that if, within the time specified above this direction is not complied with, I shall order the Tehsildar under sub-section (4) of section

Given under my hand and the seal of the Court this.....
day of.....195.....

Particulars of the Land.

1. Name of village
2. Name of Tehsil
3. Khewat number
4. Khasra number
5. Area
6. Soil class
7. Annual assessment : *Land Revenue
 Kent
8. Name of recorded landholder
9. Name of recorded tenant.

SIGNATURE
Collector of.....
District

SEAL.

*Strike out whichever is inapplicable.

NOTIFICATIONS UNDER

RAJ. AGRICULTURAL LANDS UTILISATION ACT, 1954

Published in Raj. Raj-patra Dated February 27, 1958 part IV (c) at page 1036 :

REVENUE 'B' DEPARTMENT

NOTIFICATION

Jaipur, February 18, 1958.

No. J^r. 1 (1) Rev-B/53.—In exercise of the power conferred by sub-section (3) of section 1 of the Rajasthan Agricultural Lands Utilisation Act, 1954 (Rajasthan Act XXII of 1954), the State Government hereby appoints the 15th of March, 1958, as the date on which the said Act shall come into force in the whole of the State of Rajasthan.

By Order of the Governor,
R. N. HAWA,
Secretary to the Government.

Rules and Notifications under

AGRICULTURE LOANS ACT 1957. THE RAJASTHAN
(1 OF 1957)

THE RAJASTHAN AGRICULTURAL LOANS (Taqavi) RULES, 1958

REVENUE 'D' DEPARTMENT

NOTIFICATIONS

Jaipur, February 13, 1958.

No. F. 3 (13) Rev. II/53.—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. I of 1957), the State Government is hereby pleased to make the following rules, namely:—

Notes

Section 11 of the Rajasthan Agricultural Loans Act, 1956 (1 of 1957) authorises the State Government to make rules consistent with the Act to provide for the following matters, Viz,

- (a) the manner of making applications for loans;
- (b) the officers by whom loans may be granted;
- (c) the manner of conducting inquiries relative to applications for loans and the powers to be exercised by officers conducting those inquiries;
- (d) the nature of the security to be taken for the due application and repayment of the money, the rate of interest at which, and the conditions under which, loans may be granted, and the manner and time of granting loans;
- (e) the inspection of works for which loans have been granted;
- (f) the instalments by which, and the mode in which, loans, the interest to be charged on them and the costs incurred in the making thereof, shall be paid;
- (g) the manner of keeping and auditing the accounts of the expenditure of loans and of the payments in respect of the same;
- (h) all matters which may be or are required to be prescribed or in respect of which rules may be made or are required to be made under any provisions of this Act; and
- (i) all other matters pertaining to the working of the Act.

These rules have therefore been framed in pursuance of the power so conferred and provide for the matters specified in section 11 of the Act.

These rules have subsequently been amended vide amendments contained in Notification No. F. 3 (13) Rev II/53 dated 11/6/58 published in Rajasthan Raj-patra part IV (c) dated 21/7/58.

The amendments so made have been incorporated in these rules together with the corrections made vide Correctional Notification No. F. 3 (13) Rev II/53 dated 3/8/58 (published in Rajasthan Raj-patra part IV (c) dated 4/9/58)

PRELIMINARY.

1. *Short title, Extent and Commencement.*—(1) These rules may be called the 'Rajasthan Agricultural Loans (Taqavi) Rules, 1958.'

(2) They shall extend to the whole of the State of Rajasthan.

(3) They shall come into force on the date of their publication in the Rajasthan Gazette.

These rules have been first published in Rajasthan Raj-patra Dated April 17, 1958 part IV (c) at page:173.

2. *Interpretation.*—In these rules, unless the subject or context otherwise requires—

- (i) 'Act' shall mean the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. I of 1957)
- (ii) 'Form' shall mean a form appended to these Rules.
- (iii) 'Section' shall mean a section of the Act.
- (iv) 'Taqavi' or 'Taqavi loan' shall mean a loan granted under the Act.
- (v) 'Block Advisory Committee' means a Committee of officials and non-officials appointed by the District Development Officer, namely, the Collector for the purpose of
 - (a) ensuring the participation of the public at all stages of development of the villages situated in a Community Development Block
 - (b) making positive contribution towards the planning of the development of the villages and its execution and
 - (c) critically reviewing the progress of the work in the Community Development Block.
- (vi) 'Block Development Officer' means an officer of the State appointed by Government for the development of the villages situated in a community Development Block.
- (vii) 'District Development Committee, means a Committee of Officials and non-officials under the chairmanship of the Collector of the district appointed to advise the District Development officer, namely the Collector, in the implementation of the Five Year Plan.
- (viii) 'Tehsil Taqavi Distribution Committee' means a Committee of non-officials under the Chairmanship of the Tehsildar of a Tehsil to advise him in the distribution of Taqavi loans.

Notes.

The Clauses (v) to (viii) have been added by the amending Notifications.

3. *Classes of Taqavi Loans.*—(1) Taqavi loans shall be of two classes:—

(1) Class I and (2) Class II.

(2) Taqavi loans granted under clause (1) of section 4 of the Act for any improvement as defined in clause (v) of section 3 shall be Taqavi Loans Class I.

(3) Taqavi loans granted under clause (2) of section 4 shall be Taqavi Loans Class II.

Notes

Section 4 of the Act prescribes the following purposes for which loans may be granted under the Act.

- (1) to any person having a right to make an improvement or, with his consent, to any other person for the purpose of making such improvement; and
- (2) to landholders and tenants of land—
 - (a) for the purchase of seed, manure, fodder, cattle, agricultural implements or Persian wheels, or
 - (b) for the relief of distress, or

- (c) for any other purpose connected with agricultural objects including the purchase of rights in land, or for any other work connected with cattle breeding which adds materially to the occupation of cattle breeding.

4. (1) By the first of October every year every Collector shall submit to the Government estimates of the probable requirements of ordinary Taqaviloans.

(2) When intimation has been received from the Finance Department about the total budget grant, the Revenue Department shall distribute the provision for each district separately.

5. The Collector shall, on receipt of intimation from the Government of the allotment for the district, report the same to the District Development Committee by the 24th of April, every year and the said Committee shall distribute the amount blockwise or Tehsilwise:--

Notes

The above rule 4 and 5 Stand as Substituted by the above referred amending Notification.

6. If a special demand for loans above the sanctioned allotment for the year arises the Collector may, at any time, reports his requirements to the Government for an extra grant.

Notes

The word "Government" has been Substituted for the Original word Commissioner through subsequent amendment.

6.A. (1) All funds for the grant of agricultural loans, or for the Grow More Food Campaign or for the relief of distress, provided in the budgets of the Agriculture Department, the Community Development Department, the Social Welfare Department, the Finance Department or any other Department shall be placed at the disposal of the Collector by the Departments concerned by the 8th of April every year and the Collector shall grant Loans out of such funds in the same manner as loans granted from the allotment for Taqavi loans in the Revenue Department budget.

(2) Any sums that may become available during the course of the year for distribution as Agricultural loans, shall also be similarly placed at the disposal of the Collector as soon as these become available.

6.B. The Tehsil Taqavi Distribution Committee, the Block Advisory Committee and the District Development Committee shall lay down the policy and give general directions as to how the funds placed at the disposal of the Collector for the grant of loans under rule 6-A or otherwise are to be utilised by the Tehsildar or the Block Development Officer as the case may be. The Committees may, if they deem fit, specify the Patwar Circles, the group of villages or individual villages in which the sums are to be utilised, as well as the purpose for which such funds are to be used, such as

bunding of fields, deepening of wells, improvement of existing sources of irrigation, digging of new wells, etc. Such instructions may be given on receipt of reports of the general trend of the demand for Taqavi loans made to such Committees by the Tehsildar or the Block Development Officer after reports of scarcity or other natural calamities, as well as after consideration of the interest taken and efforts made by the people towards increasing the produce.

6.C. Individual applications shall be disposed of by the Tehsildar or the Block Development Officer who shall follow the principles laid down by the District Development Committee or the Block Advisory Committee or the Tehsil Taqavi Distribution Committee.

Notes.

The rules 6 A, 6 B and 6 C have been added by the aforesaid amending Notifications.

7. The Tehsildar shall act as the disbursing officer for all loans, whether they lie within or without his power of sanction.

Rate and calculation of interest.

8. The payment of loans and the recoveries of principal shall always be made in whole rupee.

9. Interest shall become due for payment along with each instalment fixed for the repayment of the loan. Interest shall be charged or reducing balances in case of all loans at the rate of $3\frac{1}{8}\%$ per annum.

10. A loan bears interest for the month of advance but not for the month of repayment. Interest shall be calculated to the nearest Naya Paisa on the monthly basis. In calculating interest, period of 15 days or less shall be left out of account and period exceeding 15 days shall be counted as a full month.

Powers of Revenue officers to grant Taqavi loans.

11. (1) The following powers are delegated for grant of ordinary Taqavi loans:—

CLASS I LOANS

| <i>Purpose of loan.</i> | <i>Collector up to Rs.</i> | <i>S. D. O. up to Rs.</i> | <i>Tehsildar up to Rs.</i> |
|---|--------------------------------|-------------------------------|--------------------------------|
| 1. Construction of pucca wells [including pucca water channels] ... | 3,000 | 1,500 | 700 |
| 2. Construction of Katcha wells ... | 1,000 | 500 | 250 |
| 3. Conversion of katcha wells into pucca. | 2,000 | 1,000 | 500 |
| 4. Repairs to out-of-use wells ... | 2,000 | 1,000 | 500 |
| 5. Repairs to wells in use ... | 1,000 | 500 | 250 |
| 6. Deepening or boring of wells ... | 1,000 | 500 | 100 |
| 7. Construction of embankment of land | 5,000 | 2,000 | 1,000 |
| 8. Repairs to embankment of land | 1,000 | 500 | 200 |

CLASS II LOANS

| <i>Purpose of loan</i> | <i>Collector up to Rs.</i> | <i>S.D.O. up to Rs.</i> | <i>Tehsildar up to Rs.</i> |
|--|--------------------------------|-----------------------------|--------------------------------|
| 1. Purchase of seed | 500 | 250 | 100 |
| 2. Purchase of manure | 500 | 250 | 100 |
| 3. Purchase of bullocks, camels, and buffaloes | 1,000 | 500 | 250 |
| 4. Purchase of fodder | 500 | 250 | 100 |
| 5. Purchase of Percian wheels and agricultural implements. | 1,000 | 500 | 250 |
| 6. Purchase of tractor | 5,000 | | |
| 7. Purchase by a member of a co- operative society of shares of the said society. | | | 100 |

(2) Where the amount of loan proposed to be advanced for any purpose exceeds the amount mentioned in the column of powers of the Collector, the case shall be submitted to the Commissioner for sanction.

Notes

The above delegation of power is in pursuance of section 4 of the Act which requires—"Subject to such rules as may be made under Section 11, Loans may be granted under this Act, by such Officer as may, time to time, be empowered in this behalf by the State Government."

APPLICATION FOR LOAN

12. (1) Applications for taqqavi loans may be made in writing to any Revenue Officer not below the rank of Tehsildar, on printed form I, to be supplied free of charge at the Tehsil or on plain paper without any stamp.

(2) If the application is made on plain paper, it shall contain information on all the points mentioned in form I.

(3) Where an oral application is made, the officer receiving it shall cause it to be reduced to writing and fill in the particulars given in form I

12-A. Before the end of May every year, the Tehsildar shall undertake a tour of the village situated in his circle for the purpose of receiving applications for Taqqavi loans. The Tehsildar shall give at least a fortnight's notice of his tour to the villages concerned.

12-B Pending the arrival of the Tehsildar on tour, applications for Taqqavi loans may be made over to the Sarpanch of the village Panchayat, who shall enter on each application the exact time and date of receipt of the application and shall complete such preliminary enquires as are expected to facilitate the disposal of the application when the Tehsildar arrives on tour. The remaining enquiries can be completed by the Tehsildar himself when he arrives at the village.

12-C (1) Subject to the general directions given by the District Development Committee, the Block Advisory Committee, and the Tehsil Taqavi Distribution Committee, and to the provision of rule 26, the grant for distribution of taqavi loans shall be utilised for the following purposes in the following order:—

- (i) for the digging of new wells where necessary;
- (ii) for improving the existing means of irrigation e. g. deepening the wells, improving and making pucca water channels as well as cleaning such channels wherever necessary; and
- (iii) in dry areas for bunding the fields to enable the use of dry farming methods as well as preventing soil erosion.

(2) While granting the application for the first two items, preference shall be given to persons who are prepared to provide 50% of the cost of the work whether in cash or by manual labour.'

Notes

The rules 12 A, 12 B and 12 C have been added subsequently.

13. Every application shall state the name, caste, parentage profession and residence of the applicant, the amount of the advance applied for, the purpose for which it is required, the nature of the security offered for repayment, and, in the case of loans of class I, the nature and description of the work for which the advance is required and the right and the interest of the applicant in the land to be improved. The area of the holding and encumbrances on it, if any, shall also be clearly stated.

14. The applicant shall sign a declaration to the effect that all the facts stated in his application are true to the best of his knowledge and belief, and that if a loan is granted to him he will conform in all respects to these rules and abide by the terms and conditions laid down therein. The declaration shall be verified in the manner laid down for the verification of plaints under the Code of Civil Procedure.

15. When large number of applications are expected (Cf. rule 3) the disbursing officer shall fix convenient centres for the receipt of the applications and the distribution of loans.

16. The applications of all persons who express a desire to receive their loans on joint responsibility shall be recorded on a single form of application but the specific amount required by each individual and the exact purpose for which he requires it shall be noted against his name. (Cf. Section 9 of the Act).

Procedure on receipt of applications

17. (1) The officer to whom an application is presented, if he is *prima facie* of opinion that it should be entertained, will himself make, or will cause to be made, such enquiry as he deems necessary regarding:—

- (i) the status of the applicant;
- (ii) the nature and value of the security offered;
- (iii) if the security is land, the encumbrances to which it is subject;

(iv) in the case of an application for a loan of class I, the feasibility of the work proposed, its probable cost, estimated value and utility and the right of the applicant to make it.

(2) The report of the enquiry shall be prepared on form II.

(3) As far as possible all enquiries should be completed on the spot and orders passed then and there.'

Notes.

The Sub rule (3) to Rule 17 has been added through the aforesaid amending Notifications.

18. All business connected with the grant of loans shall be carried out with the utmost promptitude and due care. It is important that the necessary enquiry should be carried out and the report asked for, if any, submitted with the least possible delay.

VALUATION OF SECURITY OFFERED.

19. Loan shall be advanced only if it has been secured against property of sufficient value of the applicant, and failing that on obtaining a security bond from him and other personal sureties of competence. They, along with the applicant, will be jointly and severally responsible for the clearance of the loan.

20. As regards security, the officer granting the loan should be satisfied as to its adequacy for the loan. Subject to this proviso, however, personal security may also be accepted.

21. Immovable property of any kind may be accepted as security.

22. Encumbrances on property pledged shall be ascertained from the Patwari and the Lambardar; as also from the Sub-Registrar. The amount of all encumbrances must be deducted from the valuation of the property hypothecated. The value of the security offered shall be at least one-third more than the amount of the loan given.

23. Tenants taking taqavi loans may be allowed to execute security bonds on unstamped plain paper.

24. Security of a person who has himself taken loan or is in arrears of rent shall not be accepted: provided that in special cases the officers granting a loan may, for reasons to be recorded, accept the security of a person or persons who has or have taken a loan or loans, if such officer is satisfied that it is in the interest of agricultural operations to grant a loan and that the loan will be repaid without difficulty.

SANCTION OF LOANS.

25. (1) When enquiries have been completed, the officer to whom the application has been presented shall either pass orders himself or shall forward the papers with his recommendation to the officer empowered to grant the loan.

(2) If the grant of loan is in the power of the Tehsildar or the Block Development Officer, himself, he shall advance on the spot

such instalments thereof as he deems necessary. If the grant of loan requires the sanction of the next higher authority, the Tehsildar or the Block Development Officer, should grant one instalment on the spot and thereafter submit the papers for sanction to his superior authority. In case the competent authority for granting such loan be the Collector or some other higher authority, the Tehsildar or the Block Development Officer, should report to the Sub-divisional Officer, who irrespective of the competency of the officer granting the loan, may order payment of one instalment after satisfying himself of the necessity or otherwise of the loan, and then refer the case to the proper authority.'

Notes.

The original rule 25 has been re-numbered as sub-rule (1) of that rule and a new sub-rule (2) has subsequently been added.

26. (1) The points to be considered by the officer granting a loan are :—

- (i) the object for which the loan is sought;
- (ii) the security offered;
- (iii) the instalments and dates to be fixed for repayment;
- (iv) the manner of repayment;
- (v) the estimated cost of the proposed work of improvement and the amount which the applicant is prepared to meet either out of his personal resources or in the form of manual labour; and
- (vi) whether the applicant is a *bona fide* agriculturist.

(2) The applications for the grant of loans shall be disposed of in the manner indicated below ;—

- (i) Application of persons who cannot give adequate security should be rejected.
- (ii) Persons paying income tax should be given a lower priority in the class to which they belong than those who do not pay any income tax
- (iii) Priority of receipt of applications should be the sole consideration among the two categories of persons belonging to the same class viz.—
 1. those paying income-tax; and
 2. those not paying income-tax.

In case the demand for loans is less than the amount reserved for that class, the balance should first be transferred to Class I, and if it is not needed there, it should be transferred to Class II.

- (iv) The amount to be advanced should be fixed by the disbursing officer at a figure somewhere between the maximum and the minimum limits, if any, prescribed by Government for any scheme. If a borrower cannot furnish adequate security justifying grant of the mini-

imum amount prescribed, it is desirable to reject his application rather than to reduce the minimum.

(3) *Exceptions to the rule of priority.*—The following cases shall be treated as exceptions to the general rule of priority.

- (a) Loans for purchase of tractors should not be granted to a cultivator who owns less than 30 acres of land.
- (b) A borrower, who misuses a loan, either in whole or in part, should not be given any taqavi loan for a period of five years from the date on which he is proved to have misused it.
- (c) A borrower who has already obtained a loan for the construction of a tank, bund or embankment or for the purchase of a tractor or pumping set, should not be given any loan if he is in arrears of any instalment due for recovery.
- (d) In the distribution of loans under the Act a person, who has not received any kind of taqavi should be given preference over another who has received such taqavi.

27. The officer granting the loan shall satisfy himself that the loan is intended for the *bona fide* object for which it is sought, and, in the case of a loan of Class I. that the work is likely to effect a substantial improvement. It must be borne in mind, however, that the applicant is not likely to spend the money without a reasonable prospect of a satisfactory return, and, therefore, detailed or protracted enquiries into the results of proposed improvements may not be necessary in each case.

28. The fact that the applicant is in arrears of rent or of a previous loan is not by itself sufficient reason for refusing a loan if the security offered is otherwise satisfactory. [Loans in such cases may be given if the applicant has been repaying the instalments of the previous loan regularly).

Notes.

Last sentence appearing in brackets in Rule 28 has been substituted for the previous one, reading as under, vide Revenue (D) Department No. F. 3 (13) Rev. II/ 53 dated March 8, 1959, published in Rajasthan Raj-patra, part iv (c) dated July 14, 1960

29. *Instalments for payment of loans.*—Large loans should ordinarily be advanced in two or more instalments, the second or later instalments not being advanced till expenditure to the approximate amount of the previous instalment has been incurred. The fixing of an un-reasonably short period for the completion of the work, the fixing of too many instalments or the fixing of unsuitable dates for the giving of the instalments should be avoided.

30 In the case of loans for seed and manure the total amount should ordinarily be repayable in full immediately after the harvest for which the loan is granted. Loans for katcha wells shall be repaid ordinarily in two years. In all other cases of Class II loans repayments should ordinarily be made in half yearly instalments on the dates fixed for the payment of land revenue or rents.

Note—In case the crop fails, or it is otherwise undesirable to press the collections after harvest suspension of the whole or a portion of the demand is admissible with the sanction of the officer by whom the loan was granted.

31. In the case of loans for purchase of fodder, implements and manure, the total amount should be repayable in two half yearly instalments or three in special cases. The object is to see that fodder and implements, etc. are actually purchased and manure is used on land.

32. (1) Loans for the purchase of cattle should ordinarily be made repayable in three years. In no case should instalments of loans of this class extend over more than five years.

(2) The officer granting the loan should ensure that the cattle are actually purchased within a definite period to be fixed at the time the loan is granted, failing which the entire amount of the taqavi would become recoverable forthwith.

33. In the case of loans of Class I, the date from which repayment is to begin shall be so fixed as to ensure that no payment of either principal or interest shall be demanded before it can be made out of the profits of the improvement. Interest shall be charged as in all other cases from the date on which the first instalment of the loan was given.

34. (1) In the case of loans of Class I, instalments should not ordinarily tend over periods exceeding ten years, but they may, in special cases, be extended with the sanction of the Commissioner, for a period not exceeding twenty years.

(2) The amount of instalments required to pay off the loan at each interval should be explained to the borrower, and unless strong reason to the contrary appears, the period which he finds convenient should be fixed.

(3) All instalments except the last must be fixed in whole rupees.

35. *Grant of loans in scarcity and drought.*—When numerous loans are to be granted in a short time on the spot, the disbursing officer should necessarily curtail the enquiries. He should ordinarily be able to satisfy himself from the persons and papers immediately available *e.g.* the patwaries, lambardars, fellow-villagers, and the Patwari's report, with regard to the genuineness of the deed and up to which loan application need be entertained.

36. *Order regarding grant of loans.*—When the disbursing officer has decided what loans shall be granted, to what persons, and in what instalment, repayment shall be required, he shall draw up formal orders as follows:—

(a) in *Form III* for individual borrowers of loans of Class II.

(b) in *Form IV* for such persons as undertake joint responsibility for the repayment of the loans of Class II granted to them severally.

(c) in *Form V* for all kinds of Class I loans, whether granted on several or joint responsibility.

37. Each form shall be given a separate serial number of the year and shall bear the relevant reference of the original loan application.

38. If the amount of the loan is to be advanced in instalments, the entry of the exact amount of instalments to be recovered should be postponed till the last instalment has been paid.

39. Every order granting a loan shall, *inter alia*, contain the following conditions :—

(a) that the loan shall be applied solely to the purpose for which it is granted;

(b) that if it be proved to the satisfaction of the officer granting the loan that any part of the loan has been applied to any purpose other than that for which it was granted, or in the case of loan of Class I, if the whole or any part of the improvement is not completed by the time specified in the order granting the loan, then the whole of the loan and the interest (if any) chargeable thereon, shall be recoverable forthwith;

(c) that the borrower agrees that the loan shall be recoverable in the manner laid down in section 7 of the Act.

40. The order shall be signed by the disbursing officer and by the borrower as evidence of his having understood and agreed to the terms and conditions.

41. *Payment of the amount to the borrower.*—After the order sanctioning the loan in forms *III*, *IV* or *V* has been signed by the disbursing officer and the borrower, the latter shall be paid the amount of the loan sanctioned for him by the disbursing officer (Tehsildar).

42. The borrower shall sign a receipt in the space provided for the purpose in the order form for each sum advanced, if he is literate, or affix his thumb impression before the disbursing officer if he is illiterate. The disbursing officer shall certify that the amount has been disbursed in his presence.

43. *Record of forms.*—When the loans have been disbursed the orders in form Nos. *III*, *IV* or *V* shall be placed with the connected application in a separate file for each case.

44. *Payment of subsequent instalments of loan.*—When a second or later instalment of loan is to be advanced, payment shall be made as provided in these rules. A special enquiry is not necessary before each instalment is advanced. The reports by the patwaris (vide rule 74) may generally be accepted after these have been received duly checked by the Girdawar Qanungo, and in the case of instalment exceeding two thousand rupees, by the Tehsildar or

Naib-Tehsildar. If *bona fide* work has been done and no reason is apparent why an instalment should be withheld, it should be paid out promptly.

45. *Recovery of loan and instalments of recovery*—Recovery of loans advanced must be insisted upon punctually. In order to ensure this with the minimum inconvenience to agriculturists it is essential that recoveries which are due should be pushed on vigorously while the crops are on the threshing floors or just afterwards when the tenants are disposing them of to grain dealers. When a loan has been given on the joint responsibility of several persons, recovery should, in accordance with the provisions of section 9 be made from each person to the extent of the actual share of the loan received by him, but, when this is not possible, the joint responsibility of all the recipients for the whole amount of the loan should be strictly enforced. When tenants of their own accord offer to repay jointly, the joint payment should be accepted. The borrower may, at his option repay the loan or any instalment thereof within a shorter period than that fixed in the order granting the loan. In such cases interest shall be calculated on reducing balances as provided in rule 9.

46. A slip in form VI: showing the instalments repayable and the dates on which they should be repaid shall be given to each borrower at once, if the whole loan is advanced in one sum, and after the last instalment—if it is advanced in instalments.

47. In the collection of outstanding amounts special supervision by all concerned is required in respect of arrears of long outstanding loans. Villages showing considerable arrears of long standing should be inspected by the Sub-Divisional Officer himself and the causes of default ascertained and steps taken either to recover the amounts without further delay or to get them written off if they are found to be really irrecoverable.

48. The borrower shall produce the slip in form VI at the time of any repayment of the loan and the amount paid shall be endorsed on it. In addition, a receipt on the standard form of Receipt (form P.33 of the Land Records Manual) shall be given for all sums received by the Tehsildar on account of Taqavi. The slip in form VI shall, besides other particulars, provide columns for the head of account and serial number of the Register of Taqavi Advances.

49. The receipts shall be prepared in triplicate, one foil will be given to the payee, the other will be attached with the Arz Irsal to be sent to the Tehsil Sub-Treasury and the third shall remain in the receipt book.

50. (1) When any recoveries of loan are made, credit shall first be given to interest due and the remainder to principal, and balance of principal (and interest if any) still outstanding shall be struck in the Register of Taqavi Advances. If the payment made

is in excess of the total amount required to pay off a loan completely with interest the excess amount should be refunded. In case the payment made exceeds the amount required to clear a current instalment with interest, but the loan has not been completely repaid, the excess shall be credited towards reduction of principal.

(2) Special care shall be taken in paying loans into the Treasury that the amounts of interest and principal recovered are separately and distinctly credited, as the former must not, and the latter must be, credited in plus and minus memorandum.

51. *Drawal of funds for grant of loans.*—The disbursing officer may obtain supplies of cash by drawing A. C. bills in Form GA 121 of the Rajasthan General Financial and Accounts Rules.

52. These bills should be drawn by the Tehsildar.

53. For an advance drawn on bill in form GA-121 of the Rajasthan General Financial and Account Rules, the detailed disbursement account should be submitted to the Accountant General in Form GA-122 of the aforesaid rules by the end of the month following that in which the amount is drawn from the treasury. These detailed bills, which should be countersigned by the Collector, should bear certificates that (i) the disbursement of the loan has been made, (ii) the necessary receipts have been obtained, and (iii) the payments have been entered in the loan registers.

54. *Files and registers.*—The original record of taqavi loans including the application, investigation report made by the officer, order form, and any other relevant papers shall be kept in a separate file for each individual case of loan at the Tehsil which is both the disbursing and recovery centre for these loans.

55. All these files should be chronologically entered in a register with full particulars such as the name of the applicant, village, and type of loan sanctioned to him. Loan applications sanctioned by the Collector or the Sub-Divisional Officer will thus be required to be sent to the Tehsil for disbursement and record.

56. In order to enable the Collector to maintain a record of the taqavi loans in his office, the disbursing officer (Tehsildar) shall forward to the Collector an extract of the monthly transactions as entered in the Tehsil's Register of Taqavi Advances. The Collector shall cause entries to be made in his office regularly in the registers in the same form but maintained Tehsilwise and kept up-to-date.

57. The account of taqavi loans shall be maintained in each Tehsil in a Register of Taqavi Advances in form VII. In maintaining this register, not more than three cases of loans should be entered on each page, so that sufficient space may be available for entries relating to each case. Abstracts of the loan account shall be prepared in form VIII (Abstract of Loan Account: Receipts) and form IX (Abstract of Recoveries: Principal only). The receipts

on account of interest and the recoveries of principal should be reconciled with Sub-Treasury figures and ultimately with the books maintained by the Accountant General.

58. The extract of the monthly transactions to be sent to the Collector's office under rule 56 should contain all the information about the loan including a reference to the original application, ledger folio, sanctioning authority, number and date etc., to enable the clerk in the Collector's office to maintain the counterpart of the loan account in complete details.

59. The same serial number of the Tehsil's Register of Taqavi Advances should be allotted to the account in the Collector's office register as has been noted in the Tehsil register. From each financial year a separate series of number will be started and to distinguish it from the previous years it will be necessary to mention the financial year along with the number *e.g.* Ledger folio No. 50/52-53.

60. No file shall be consigned to the record room until the following has been noted thereon :—

(a) the serial number assigned to each loan in the Collector's office register, and the Tehsil Revenue Accountant's remarks about its entry in the Tehsil Register.

(b) If part of the condition of the loan is the execution of certain work, until the disbursing officer is satisfied, by a personal inspection or otherwise, that the work has actually been performed and a note to that effect has been made in the file.

61. *Statement of collections.*—Quarterly statements of payment of loans and collections thereof on form X shall be submitted by the Tehsildars to the Collectors through the Sub-Divisional Officers, who should carefully study these statements noting on them any orders which they may consider necessary to issue for the guidance of the Tehsildar. The figures given in these statements will be compared and agreed with those incorporated in the Abstracts prepared under rule 57.

62. The Sub-Divisional Officers should have no difficulty in controlling collections in the interest alike of the Government and the agriculturists. Careful consideration of these statements is necessary when the agricultural outlook is not good. There is no advantage in granting loans to cultivators for seeds, bullocks, or wells if the recoveries are made mechanically and the cultivators are obliged to raise other private loans, or alternatively to sell the bullocks that they had bought, in order to pay the Government loans.

63. *Remission of loans.*—Remission of loans will be governed according to the delegation of financial powers sanctioned by the Government. Remission will not be recorded in the Loan Register until sanction has been conveyed by the competent authority and

necessary advice the adjustment having been carried out in the books of the Accountant-General has been received through the Collector by the Tehsil concerned. (Cf. rule 36 of the General Financial and Account Rules and form GA 16 of those rules).

64. Proposals for remission should explain clearly the grounds on which the Collector considers that the remissions are justified. Remissions are admissible only when a loan is actually irrecoverable, or when a work of improvement fails from causes beyond the borrower's control and the recovery of the loan in full would cause him serious hardship. In the latter case the Sub-Divisional Officer should make a local enquiry. In case when a loan is held to be irrecoverable the nature of the security taken for its repayment shall be recorded with the reasons for not realising the value of the hypothecated property or proceedings against the surety as the case may be.

65. Remissions of principal carry with them remissions of interest up-to-date on the principal sum remitted. Consequently when remissions are proposed, it is unnecessary to calculate the interest due. In the accounts the balance of principal outstanding will merely be reduced by the amount remitted, and if any principal remains to be collected, interest will be calculated at the next payment on the reduced balance only.

66. *Taqavi demand statements and their check (Khatauni).*—As soon as possible after 1st October and 1st April in each year the Tehsildar shall cause to be prepared in duplicate from the loan accounts and demand statement in *Form XI* showing demands of each class of loan due in the half year ending 31st March and 30th September respectively. He shall also submit to the Collector a copy of the demand statement form *XI* of the previous half year with all the entries of collections completed and totalled, and a total of the arrears shown as outstanding together with a certificate to the effect that he has satisfied himself that the collections of principal and interest made during the half year have been properly recorded in the register.

67. These demand statements when received in the Collector's office, will be checked in detail with the loan register and files maintained in his office. After discrepancies, if any, have been rectified, the taqavi clerk in the Collector's office shall keep a note of the total demand for the half year and return the demand statement to the Tehsil where collections shall be made in accordance with the demand noted therein. Collectors should issue such instructions to the Tehsils as will ensure the return of the demand statement duly verified to the Tehsil before the date on which the earliest instalment becomes due. The demand statement for the preceding half year will, however, be retained in the Collector's office and any mistake noted therein will be communicated to the Tehsildar for correction.

68. The entries of receipt in the Tehsil's Register of Taqavi Advances shall be checked by the Tehsildar and Naib-Tehsildar up to 10 per cent. of the entries, and by the inspecting officer to a reasonable extent at the time of inspections.

69. The calculation of interest at the time of payment being left to the staff of Tehsil, the Tehsildar or Naib-Tehsildar shall check at least 10 per cent. of the calculations during a month and initial the accounts checked in token of verification. Similarly, the inspecting officers of the Revenue Department shall at the time of inspection satisfy themselves in respect of certain items that the calculations have been correctly made. In the event of discovery of any discrepancy a report shall be made to the Collector for necessary action.

70. The Tehsildar shall exercise close supervision over the loan accounts of the Tehsil. He shall himself check or require his Naib-Tehsildar to check a sufficient number of entries to ensure that the loan accounts and demand statements have been correctly prepared.

71. *Quarterly Statements.*—The Collector shall compile at the end of each quarter of the year ending on 31st December, 31st March, 30th June, and 30th September statements for submission to Government in the Revenue Department in the form X showing the total disbursement and recovery of Taqavi loans of all kinds made through the agency of the revenue staff under his control. These statements should be prepared separately for each head of account prescribed by the Accountant General. The purpose of compiling this statements is twofold—namely to review the progress of recovery and to see that the loan accounts are correctly maintained to agree with the asset figure of the Government appearing in the books of the Accountant-General.

72. A column has been provided in this statement for verification by comparison with figures shown by the Treasury Officer in the monthly accounts to the Accountant-General. This reconciliation should be attended to faithfully so that errors in the classification of the accounts and difficulties in acknowledging the balances intimated by the Accountant-General at the end of each year can be avoided.

73. These statements should be prepared in duplicate—one copy of which will be sent to the Government in the Revenue Department through the Commissioner of the Division who will examine it thoroughly as to which Tehsils have been slack in effecting recovery and enquire into the reasons of that slackness. The budgetary control in respect of the allotment of funds in each district and their utilisation will also be facilitated through this statement. The Commissioner will forward this statement to the Board of Revenue with his observations. Another copy of the statement should be sent

by the Collector direct to the Secretary to Government, Revenue Department, who will arrange for the reconciliation of the departmental figures with those in the Accountant General's books (Cf. Rule 364 of the General Financial and Account Rules).

74. *Special precautions regarding loan.*—As soon as may be after a loan has been granted the Tehsildar shall inform the Patwari of the loan granted, the manner in which it is to be advanced, the nature of the improvement and the time by which the whole or part of the improvement is to be completed. The Patwari shall submit quarterly statements through the Girdawar Quanungo to the Tehsildar as to the appropriate use of the taqavi and the progress of the work, as required by para 37 of the Rajasthan Land Revenue (Land Records) Rules, 1957. The Tehsildar shall submit a report to the Sub-Divisional Officer regarding the expenditure of the loan and the progress of the work for the purpose for which it was granted.

75. With a view to ensuring that progress reports are duly received, a file should be opened at the Tehsil for each loan with an order sheet. A Periodical examination of the misband register will show the cases of longest standing. The Taqavi clerk of the tehsil will be responsible for seeing that reports from the Patwaries are received promptly and put in the proper file.

76. Any Patwari, Girdawar, Quanungo, Naib-Tehsildar or any other Revenue Officer may, at any time, enter on and inspect any land for the benefit of which a loan has been granted, or any work which is in progress thereon.

Repeal

77. The Rajasthan Taqavi Rules and any other Rules relating to loans for agricultural purposes at present in force in the Abu, Ajmer and Sunel areas are hereby repealed.

FORM NO. I

(See Rules 12 & 13)

FORM OF APPLICATION FOR TAQAVI

1. Name of the applicant.
2. Name of his father.
3. Caste.
4. Profession with class of Tenancy (Share of the applicant).
5. Residence.
6. Purpose for which the loan is required (and in the case of loan of Class I, nature and description of the work of improvement and applicant's interest in the land to be improved).
7. Amount of loan required.
8. Nature of security offered.
9. Name and other particulars of the sureties.
10. Whether the property of the applicant and sureties to be hypothecated is free from any encumbrance ?

11. Area of holding in possession.
12. Whether any loan was taken in the past, if so, has it been paid up in full or there are arrears ?
13. How much annual rent is paid ?
14. Are there any arrears of rent due ?
15. In how many instalments the loan is proposed to be repaid ?

I declare that the facts mentioned above are true to the best of my knowledge and belief and that if a loan is granted to me I shall conform in all respects to the Rajasthan Agricultural Loans (Tagavi) Rules, 1958 and by the terms and conditions on which the loan is granted.

Signature of the applicant.

(to be printed on the reverse side)

1. Report of Patwari.....
2. Recommendation of Tehsildar.....
3. Order of S.D.O. or collector.....

FORM NO. II

(See Rule 17)

FORM FOR REPORT ON APPLICATIONS FOR TAQAVI

1. Name of applicant with father's name and address.
(A) Is the applicant a *bone fide* agriculturist ?
2. Khasra Nos. and area of holding.
(A) Culturable.
(B) Unculturable.
3. Valuation of the holding.
4. Amount of loan applied for.
5. Purpose for which loan required.
6. Estimates of total expenditure involved in the proposed work.
7. How much will the applicant contribute towards the cost of the work either out of personal resources or in the form of manual labour or both ?
8. What area of land will benefit by the improvement which is sought to be financed out of this loan and whether the repayment of principal and interest can be made from the profits of the improvement ?
9. Was any Taqavi loan obtained by the applicant in the past; if so, when and how much ?
10. How was the Taqavi amount utilised ?
11. Is there any arrear of Taqavi or other public demand outstanding against the applicant or any member of his family ? If so, the details thereof such as the date of loan, purpose, name of the member, name of the Department and the reason why it is still pending ?
12. Are any coercive processes for recovery of any public demand pending against the applicant or any member of his family ?

13. Has the Tehsildar or Naib-Tehsildar made a local inspection? If so, a description of the conditions on the spot may be given.
14. Name, parentage and address of the proposed surety.
15. What is the financial position of the surety? Is he otherwise a fit person for being accepted as surety?
16. Whether any public demand is outstanding against the proposed surety?
17. Whether the property offered as security is free from encumbrances? If not, what is the nature and extent of the encumbrance?
18. Whether the Tehsildar recommends the grant of loan applied for; if so, the amount recommended and the reasons in support of his recommendation.

Signature.....

Designation

NOTE 1. 'Family' for the purpose of this report should include applicant's parents, grand-parents, brothers (including step-brothers, if any) sons and dependants.

NOTE 2. Where the amount involved is more than Rs. 1,500/- the Tehsildar is expected to make local inquiry himself and not to delegate it to any subordinate officer.

OFFICE REPORT

FORM III. (See Rule 36)

Order form of Class II Loan sanctioned to a Single Borrower.

Ledger Folio No... .. Application No.....Date.....

This sum of Rs.....is hereby granted to.....

son ofCaste.....

resident of.....Occupation..... as a loan for

the purpose of

on the following conditions :—

(1) That the loan shall be secured against the property detailed in the application or personal sureties as per security bond obtained on the reverse.

(2) That the sum together with interest shall be repaid to Government at the Tehsil in the following instalments—

Amount.

Date.

- | | | | |
|----|---------|---------|--|
| 1. | Rs..... | on..... | |
| 2. | Rs..... | on..... | |
| 3. | Rs..... | on..... | |
| 4. | Rs..... | on..... | |

- (3) That the interest at 3½% per annum shall be payable on the outstanding balance of principal at the date of each payment.
- (4) That the loan shall be applied solely to the purpose for which it is granted.
- (5) That if it is proved to the satisfaction of the Tehsildar, S.D.O. or any other officer of the District that the loan or any part of it has been applied to any purpose other than that for it is granted, the whole of the loan with interest, if any, shall be recoverable forthwith, and
- (6) That the loan shall be recoverable in accordance with section 7 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act I of 1957),

I have understood and agreed to the aforesaid conditions and accept the loan accordingly.

Signature of Borrower with
date.....

I have received cash of the amount of Rs
Signature of Borrower with date.....

Cash paid/payment order delivered in my presence.

Paid in the presence of.....

1. Witness. Signature of officer granting loan
with date.

(To be Printed on reverse)

Security Bond,

Whereas a loan of Rs.....has been granted to the aforesaidfor the purpose of.....
We, the undersigned persons declared that we are jointly and severally liable for the payment of the said loan with interest in accordance with the aforesaid conditions.

Signature..... Witness.....

Signature..... Witness.....

Signature..... Witness.....

Entered in the loan register with number.....

Signature of Chief Revenue
Accountant with date.

FORM IV.

(See Rule 36)

Order form of Class II Loan sanctioned on the
Joint Responsibility of Borrowers.

The sum of Rs..... is hereby granted to the persons named below for purpose of...
subject to the following conditions :—

Name of the person.....Father's name.....Caste....Village....Occupation.

(a).....

(b).....

(c).....

(d).....

(1) That the loan shall be secured against the property of the applicant as detailed in the loan application or personal sureties as per security bond obtained on the reverse.

(2) That the said persons shall be jointly and severally responsible for the total amount of the several loans granted to them, with interest.

(3) That the amount of this loan together with interest shall be repayable to the Government in the instalments mentioned below:-

Amount

Date _____

1. Rs.....on.....
2. Rs.....on.....
3. Rs.....on.....
4. Rs.....on.....

(4) That the interest of 3½% per annum shall be payable on the balance of principal outstanding at the date of each payment.

(5) That the loan shall be applied solely to the purpose for which it is granted.

(6) That if it is proved to the satisfaction of the Tehsildar, S.D.O. or any other officer of the District that the loans or any part of them have been applied to any purpose other than those for which they were granted the whole of the loan with interest, if any, shall be recoverable from all or any of them forthwith; and

(7) That the loan shall be recoverable in accordance with section 7 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. I of 1957.)

And, we the borrowers having understood and accepted the above conditions have signed our names in lieu thereof.

Signature of borrowers, with date

1 2
3 4

We have received cash of the amount of Rs. cash paid/
payment order delivered in my presence.

Paid in the presence of

Signatures of borrowers, with date

1. Witness. 1 2
3 4

Signature of Officer granting loan with date.

(to be printed on the reverse)

Whereas a loan of Rs. has been granted to the aforesaid... ..for the purpose of..... We, the undersigned persons declare that we are jointly and severally liable for the repayment of the said loan with interest in accordance with the aforesaid conditions.

Signature..... Witness

Signature.....
Signature.....Witness.....

Signature.....

Signature..... Witness.....

Entered in the loan register under number.....

Signature of Chief Revenue Accountant,
with date.

FORM NO. V.

(See Rule 36)

The sum of Rs.....is hereby granted to.....son of.....
 casteresident of... ..as a loan under the Raj-
 asthan Agricultural Loans (Taqavi) Rules, 1958.

1. On the joint personal security of the persons who have signed the attached bond and of the borrower.

Or

2. On the security of the property hypothecated by the borrower in the bond attached to this order.

Or

3. On the collateral security of the property hypothecated by.....son ofcaste.....resident of.....viz.,
 (here enter description of property) and subject to the following conditions :—

- (2) That the amount of this loan shall be paid to him in the following instalments :

- | | |
|--------|----------|
| 1. Rs. | at once |
| 2. Rs. | on |
| 3. Rs. | on..... |
| 4. Rs. | on |

- (b) that the second (third)and (fourth)instalments shall be paid only if it is proved to the satisfaction of me or my successor in office of the Collector of the District (that expenditure of approximately.

Rs... ..Rs... ..and Rs..
 respectively has been incurred by him on the aforesaid work);

Here enter a description of the improvement to be carried out with details of the place (e.g. Khasra numbers) and the village.

One of the entries 1, 2 and 3 should stand as the case may require, the others being scored out.

If the amounts of expenditure are fixed, use the words in this bracket.

If the condition is that certain parts of the work are completed describe the parts to be completed before each instalment that....
and.... ..respectively has been completed)
 when the said instalments shall be due.

- (c) that the whole of the aforesaid work shall be completed before19

- (d) that the amount of this loan with interest at 3½ per cent. per annum shall be repayable to Government atTehsil in (here enter the number) equal half-yearly instalments (including principal and interest) of Rs.....the first repayment being due on.....and subsequent.....repayments on every.... ..and.... ..until the whole loan shall have been repaid with interest;

- (e) that the loan shall be applied solely to the purpose for which it is granted;
- (f) that if it is proved to the satisfaction of the Tehsildar, S.D.O. or any other officer that the loan or any part of it has been applied to any purpose other than that for which it is granted or that the whole or any part of the improvement is not completed or expenditure has not been incurred by the dates specified in conditions (b) and (c), the whole of the loan then unpaid, with interest (if any) chargeable thereon shall be recoverable forthwith from the borrower or his sureties or from the property hypothecated by him or them.
- (g) that the loan shall be recoverable in accordance with the provisions of section 7 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act I of 1957).

Signature of Officer granting loan with date.

I have understood and agreed to the aforesaid terms and conditions (for the due performance thereof, I hereby hypothecate the following property).....

Signature of borrower, with date.

Witness.....

First instalment Rspaid in cash in my presence/payment order delivered in my presence.

Signature of Officer, with date.

The dates for repayment should be fixed with regard to local circumstances and the dates for payment of rents, and revenue.

The words in brackets to be struck out if another person gives security.

Security Bond same as for Form IV.

FORM NO. VI.

(See Rule 46)

Form of Slip of Recovery for the Tehsil.....

Serial No... ..Ledger Folio.....Account of... ..
.....Father's name... ..Caste.....
Village... ..Occupation.....Amount of
loan and kind.... ..purpose of loan
Head of account.... ..

Instalments of recovery are laid down below :—

| Recoveries | | Due date. | Amount actually paid. | Date | Initial of the Tehsildar |
|------------|----------|-----------|-----------------------|------|--------------------------|
| Principal | Interest | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 |

FORM No. VII.

(See Rule 57)

GOVERNMENT OF RAJASTHAN (REVENUE DEPARTMENT)

Register of Taqavi Advances

Kind of Taqavi..... District..... Tehsil..... Village.....

| No. of Loan application | Name and address of Loanee with other neces- sary parti- culars. | Amount of loan sanction- ed, with date of sanction- ing order. | Rate of interest | For what object or work. | Date on which the work is to be com- pleted. | Details of Secu- rity. | Advances made | | Instalment of | | |
|-------------------------------|---|--|---------------------|-----------------------------|--|---------------------------|-----------------------|--------|---------------|---------------------------------|----|
| | | | | | | | Date of payment | Amount | No. | Amount of each instalment | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |

| recoveries | Recoveries made | | | | Balance of principal after each transaction | Progressive amount of arrear instalments. | No. of days for which instalments remained over due. | Product of Cols. 18 & 19 and Cols 19 & 20 for calculating interest. | Amount of interest due | Inter-est received. | Balance of interest due. | REMARKS. |
|----------------------------|-----------------|-------------|----------|--------|---|---|--|---|------------------------|---------------------|--------------------------|----------|
| | | | | | | | | | | | | |
| Date on which recoverable. | Date | Princi- pal | Interest | Total. | | | | | | | | |
| 13. | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |

FORM No. VIII,

(See Rule 57)

ABSTRACT OF LOAN ACCOUNTS.

RECEIPTS

| Name. | Page No. of Loan account. | Opening balance of principal on 1-4 | April | May | June | Total upto June | July. | August | Sept. | Total upto Sept. | Total for half year upto Sept | October. | Novr. |
|-------|---------------------------------|---|-------|-----|------|-----------------------|-------|--------|-------|------------------------|----------------------------------|----------|-------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |

| Deor. | Total upto Deor. | Total for months upto Deor | January. | February | March. | Total upto March. | Total receipts of the year. | Total re- coveries as per ab- stract of repayments. | Closing balance of prin- cipal on 31-3 |
|-------|------------------------|----------------------------------|----------|----------|--------|----------------------|-----------------------------------|---|--|
| 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |

FORM No. IX.
(See Rule 57)

ABSTRACT OF RECOVERIES (PRINCIPAL ONLY).

| Name. | Page No. of loan account | April. | May. | June. | Total upto June. | July. | August. | Sept. | Total of the quarter year. | Total for half year upto Sept. |
|-------|--------------------------|--------|------|-------|------------------|-------|---------|-------|----------------------------|--------------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |

| October. | November. | December. | Total of the quarter year. | Total for nine months upto Decr. | January. | February. | March. | Total recoveries upto March. | Total of the year |
|----------|-----------|-----------|----------------------------|----------------------------------|----------|-----------|--------|------------------------------|-------------------|
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 |

FORM NO. X.

(See Rule 61)

Statement of Taqaavi Loans (Disbursement card Realisation) Account for the Quarter of the year.....195 .

District.....Head of Account....

| Name of the Tehsil | Amount outstanding on | Loan advanced during the current Quarter | Total amount recoverable. | REALISATION. | | | | | | | For Use of Treasury Officer (Figures according to his account) | |
|--------------------|-----------------------|--|---------------------------|---|---|--|-------------------------|--|--|-------------------------------|---|--|
| | | | | Loans re-Relaisation covered during the current year. | Total made during the previous quarters of year | Total Realisations during the current year | Balance outstanding on. | Total disbursement during the current quarter. | Total realisation during the current quarter year. | Initials of Treasury Officer. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | | |

FORM No. XI.

(See Rule 66)

...district for the half year ending

...in the...

Statement of demands under...

31st March, 195 .
30 September,

| This Loans Register | Recoverable | | | Demand. | | | Recoveries. | | | | Balance at the end of half year. | | Total ba- lance left due. |
|---------------------------|---------------------------|-----------------|----------|--------------------------|--------|-------|------------------------|-----------------|----------------|----|--|----|---------------------------------|
| | Name of borro- wer. | Resi- dence. | Arrears. | Instal- ments due. | Total. | Date. | Total pay- ment. | Princi- pal. | Inter- est. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | |

(a) Payment in
advance of fixed
instalments.

(b) Surplus payments
14

By Order of the Governor,
R. N. HAWA,
Secretary to the Government.

The Rajasthan Agricultural Loans (Taccavi) Rules, 1958.

Published in Rajasthan Raj-patra part IV (c) 1959 at page 15-16

Revenue (D) Department
NOTIFICATION

Jaipur, December 19, 1959

No. F. 3 (13) Rev. D/53:—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. 1 of 1957) and in continuation of this Department notification of even number dated the 24th Feb., 1959, the State Government hereby makes the following further amendment in the Rajasthan Agricultural Loans (Taccavi) Rules, 1958:—

In forms III, IV, and V appended to the said Rules, for the figures 3, 1/8% (relating to the rate of interest), the figures 4, 11/16% shall be substituted.

Published in Raj. Raj-patra part IV (c) dated July 14, 1960 at page 135

Jaipur, March 8, 1960.

No. F. 3 (13) Rev. II/53.—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (Rajasthan Act No. 1 of 1957), the State Government does hereby make the following further amendment to the Rajasthan Agricultural Loans (Taccavi) Rules, 1958, as published under this Department Notification of even number dated the 13th February, 1958, namely:—

AMENDMENT

For the last sentence of rule 28 of the said rules, the following sentence shall be substituted, namely:—

‘Loans in such cases may be given if the applicant has been repaying the instalments of the previous loan regularly.’

By Order of the Governor,
R. K. CHATURVEDIY,
Secretary to the Government.

Published in Raj. Raj-patra part IV (c) dated August 4, 1960 at page 229

Revenue ‘D’ Department
NOTIFICATIONS

Jaipur, May 25, 1960.

No. D. 1119/60/F. 11 (32) Rev. D/59.—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (1 of 1957), the State Government hereby makes the following further amendment in the Rajasthan Agricultural Loans (Taccavi) Rules, 1958, as published under this Department Notification No. F. 3 (13) Rev. 11/53, dated the 13th February, 1958, namely:—

“In rule 11 (1) of the said Rules, after the word “Wells”, appearing against item 1 under the Table ‘Class I Loans’ the words ‘including pucca water channels’ shall be added.”

The Rajasthan Grant of Loan to Grape Growers Rules, 1965

Agriculture (Cell-V) Department

Jaipur, June 26, 1965

Notification No. F. 6-A (1) Agr-V/65.—In exercise of the powers conferred by section 11 of Rajasthan Agricultural Loans Act, 1956 (Act No. I of 1957), the State Government hereby makes the following rules, namely.—

1. Short title.—These rules may be called the Rajasthan Grant of Loans to Grape Growers Rules, 1965. These will come into force with immediate effect.

2. Definitions.—In these rules, unless the context otherwise requires:—

(a) "Government" means Government of Rajasthan.

(b) "Governor" means the Governor of Rajasthan.

(c) "Secretary to the Government" means Secretary to the Government, Agriculture Department, Rajasthan.

(d) "Director" means the Director of Agriculture, Rajasthan.

(e) "Collector," means Collector of the district in which the grape cultivation is to be carried out, and for which loan has been sought for, under these rules.

(f) "Joint Director" means the Joint Director of Agriculture.

(g) "Deputy Director" means the Deputy Director of Agriculture.

(h) "Prescribed forms" means as annexed with these rules.

(i) "District Agricultural Officer" means the District Agricultural Officer of the District in which the grape cultivation is to be carried out and for which loan has been sought for under these rules.

(j) "Bower System" means the system in which vines are trained over-head on light wooden cross-bars nailed together where they cross or similar structure of wire and iron bars.

(k) "Kaiffon System" means the system in which vines are trained on horizontal wires parallel to ground.

(l) "Agriculturist" means under these rules, a person having land and intending to plant grape vine in a compact area of not less than half acre ($1/5$ hectare).

3. Application for loan.—(a) Applications for grant of loans under these Rules shall be made in writing to the District Agriculture Officer concerned in Form I.

(b) On receipt of such application, the District Agriculture Officer will make an on-the-spot enquiry and prepare the report of enquiry in Form No. II and forward it with his recommendation to the concerned Joint/Deputy Director for sanction.

(c) Loan shall be sanctioned only if it has been secured against property of sufficient value of the applicant, and failing that on obtaining a security bond from him and other personal sureties of Competence. The sureties, along with the applicant, will be jointly and severally responsible for the clearance of the loan.

(d) Loans may be sanctioned for the purchase of plants, manure, and construction, and fixing of supports for training of vines.

4. After the loan has been sanctioned the Agriculturist shall execute a bond in Form III and produce security in Form IV to the satisfaction of the sanctioning authority which shall not be less than the loan applied for. Security shall be of immovable property or of a person who has got immovable property.

5. The joint Director of Agriculture/Deputy Director of Agriculture is empowered to grant loan upto Rs. 4,000/- in each case subject to the condition that in no case loan of more than Rs. 4,000/- per acre shall be granted in case of Bower System, and Rs. 2,000/- per acre in case of Kaiffon System.

6. If the application for loan is for more than Rs. 4,000/-, the Joint/Deputy Director of Agriculture shall make his definite recommendation and forward it to the Director of Agriculture, who may grant loan upto Rs. 10,000/- subject to the condition laid down under Rule 5 above.

7. Loans involving a sum exceeding Rs. 10,000/- shall be sanctioned by the Government in Agriculture Department.

8. No second loan will be granted to any cultivator without prior sanction of the Government.

9. The loan shall be granted in two instalments—10% of the loan will be granted at the first instance and the rest after a period of six months of the plantation on production of satisfactory proof that the plantation has been done in the approved manner.

10. The loan shall bear an interest as prescribed by the Government from time to time for long term loans on the date of payment of 1st instalment.

11. The loan will be recovered in eight equal yearly instalments payable on 1st July each year along with due interest. The first instalment will be payable after two completed years from the date of first drawal of the loan. (The interest for the first two years will be covered in 4 instalments in addition to normal interest and instalments).

12. If the instalment is not deposited within one month from the due date, a penal interest @8% on the due instalment will be recovered.

13. If the loanee fails to utilise the loan in the approved manner within a period of one year of its grant, the total amount will be recovered in one instalment, with penal interest @8% per annum immediately. The Director shall, however, be empowered to extend the utilisation period for a further period of six months.

14. If the loan and interest thereon is not repaid in accordance with the preceding rules, it will be recovered as arrear of land Revenue.

15. The Co-operative Societies of Grape Growers will be given preference for the sanction of loan.

FORM I.

Application For Loan For Grape Cultivation

(1) Name of the applicant. (2) Name of his father. (3) Profession with class of Tenancy (share of the applicant). (4) Residential address. (5) Purpose for which loan is required. (6) Amount of loan required. (7) Nature of security offered. (8) Name and full particulars of the sureties. (9) Whether the property of applicant/sureties to be hypothecated is free from all encumbrances? (10) Area of the holding in possession. (11) How much annual rent is paid? (12) Are there any arrears of rent? (13) Whether any loan for grape cultivation was taken previously? (14) (a) Whether any other loan was taken in the past from any source? (b) If so, has it been repaid in full? (c) If not, state the outstanding balance.

I declare that the facts mentioned above are true to the best of my knowledge and belief and that if a loan is granted to me I shall conform in all respects of the Rules and abide by the terms and conditions on which the loan is granted to me.

Signature of the applicant.

FORM II

Form For Report On (Rule 3) Applications For Grant Of Loans For Grape Cultivation

- (1) Report of Patwari. (2) Report of District Agriculture officer.
- (i) Estimate of total expenditure involved in the proposed work.
- (ii) How much amount will the applicant contribute towards grape cultivation either out of personal resources or in the form of manual labour or both?
- (iii) What area of land is proposed to be brought under grape cultivation and can the repayment of principal and interest be made from the profits of such cultivation?
- (iv) (a) Was any loan obtained by the applicant for grape cultivation in the past? If so, how much money is still to be recovered and how was that loan utilised?

(b) Was any other loan obtained by the applicant in the past ?
If so, when and how much, and whether any repayment is still due ?

(v) Is there any arrear of loan or other public demand outstanding against the applicant or any member of his family ? If so, state the details thereof such as the date of loan, purpose, name of the member, name of the Department and the reason why it is still pending.

(vi) Has the District Agricultural Officer made a local inspection ? If so, a description of the conditions on the spot may be given.

(vii) Name, parentage and address of the proposed surety.

(viii) what is the surety's financial position ? Is he otherwise a fit person for being accepted as a surety ?

(ix) Whether any public demand is outstanding against the proposed surety ?

(x) Whether the property offered as a security is free from encumbrances ? If not, what is the nature and extent of the encumbrance.

(xi) Whether the District Agricultural Officer recommends the grant of loan applied for ? If so, the amount recommended and the reasons in support of his recommendation.

Signature
Designation

Report of the Joint/Deputy
Director of Agriculture.

Signature
Designation.

AGRICULTURE (CELL V) DEPARTMENT

Jaipur, May 30, 1966.

Notification No. F.6-A (1) Agr.-V/65—In exercise of the powers conferred by section 11 of the Rajasthan Agricultural Loans Act, 1956 (Act No. 1 of 1956), the state Government hereby makes the following amendments to the Rajasthan Grant of Loans to Grape Growers Rules, 1965 :—

1. In Rule 2(j) in line 3, the word "and" shall be deleted and the words "and Slabs" be added after the word "bars" in the last line.

The existing Rule 3(b) shall be substituted by the following :—

"On receipt of such application, the District Agriculture Officer will make on the spot an enquiry and prepare an enquiry report in the prescribed form No. II. If the loan to be sanctioned is beyond his powers under rule 5(a), he shall forward the application with the enquiry report to the Deputy/Joint Director of Agriculture of the Region with his recommendations":

3. In rule 3 (d) between the words "sanctioned" and "for" occurring in the first line, the words "cash or cash and kind both" shall be inserted.

4. The existing Rule No. 5 shall be substituted as under :—

'5 (a) The District Agriculture Officer is empowered to grant loan upto Rs.4,000 /- in each case.

(b) If the application for loan is for an amount exceeding Rupees four thousand, the District Agriculture Officer shall forward the application alongwith his enquiry report in Form No. II to the Deputy/Joint Director of Agriculture of the Region, who is empowered to grant loan upto Rupees ten thousand in each case.

(c) If the application for loan is for an amount exceeding rupees ten thousand, the Deputy/Joint Director of Agriculture shall forward the application and the report received from the District Agriculture Officer to the Director of Agriculture, who is empowered to grant loan upto Rupees twenty thousand in each case.

(d) The grant of loans in all these cases is subject to the condition that the loan sanctioned does not exceed Rs. 4,000/-per acre in the case of Bower System and Rs. 2,000/-per acre in the case of Kniffon System.'

5. The existing Rule No. 6 shall be deleted.

6. The existing Rule No. 7 shall be substituted by the following:—

"Loans exceeding a sum of Rs. 20,000/-shall be sanctioned by the Government, and such cases shall be referred to the Government by the Director of Agriculture, alongwith the application, the enquiry report of the District Agriculture Officer and his own comments."

7. The existing Rule 8 shall be substituted by the following :—

"Second loan can be granted by the Officers mentioned in rule 5, subject to the condition that the total loan sanctioned to any loanee does not exceed the powers delegated to the sanctioning authority for the grant of loans. All other cases of second loan shall be referred to the Government for sanction."

8. In Rule 9, the word 'six' occurring in the third line of this Rule shall be substituted by the word "two".

9. The existing Rule 11 shall be substituted by the following:—

"The loan will be recovered in eight equal yearly instalments alongwith the interest, the first instalment commencing on the third anniversary of the payment of the first instalment of the loan. The interest for the first three years will be recovered in four equated instalments in addition to the normal instalments and interest, commencing from the third anniversary of the payment of the first instalment of the loan. In other words, along with the first four normal instalments and

interest, the interest payable for the first three years will also be recovered."

10. In Rule 13 for the words "one year" occurring in the second line of the Rule, the words "six months" shall be substituted.

11. For the words "District Agricultural Officer" wherever it occurs, the words "District Agriculture Officer" be substituted.

[Pub. in Raj Gaz. 4 (Ga)—Dt 7-7-66—Page 210]

AGRICULTURE (CELL V) DEPARTMENT

Jaipur, July 23, 1966.

*FORM III

Agreement Bond

This deed is made at (the place where the bond is to be got executed) thisday of..... (month) 196.... between (here-inafter referred to as the borrower (s) which expression, where the context so admits shall include his heirs, executors and successors) of the one part and the Governor of the State of Rajasthan (hereinafter referred to as "the Government" which expression where the context so admits shall include his successors in office and assigns) of the other part.

Whereas a loan of Rs.... (Rupeesonly) has been sanctioned to the borrower (s) by the Government under the.... scheme for the purpose of.....

And whereas the Government has agreed to advance the loan to the borrower (s) in the manner hereinafter mentioned on the terms and conditions hereinafter appearing.

Now this deed witnesseth and the parties hereto hereby agree as follows:—

(1) The Governor will advance the said sum of Rs ... (Rupees only) in two instalments at the time and in the manner provided below:—

(a)..... How instalments are to be advanced.

(b)....

(c)

(2) The borrower shall be liable to pay interest from the date of payment of loan to the borrower (s) till the realisation of the whole amount of loan.

(3) The borrower shall be liable to repay the amount of loan with interest in equal instalments, the first instalment being due after two completed years from the date of payment of the first instalment to the loan:

(4) Before the first instalment is granted, a security bond or a surety bond shall have to be furnished by the borrower.

(5) The borrower shall be bound to utilise the amount advanced by the Government for the purpose of grape cultivation and for no other purpose.

(6) The rate of interest shall% per annum.

(7) The borrower shall maintain a regular and complete account of expenses incurred and shall furnish the same to the District Agriculture Officer in such manner and at such intervals as may be required by the sanctioning authority. In the event of not furnishing the returns and information asked for, further instalments of advance, if due, will not be paid to the borrower and the amount of loan already paid will be liable to be recovered immediately, with interest under the provision of Rules..... ..

(8) The borrower (s) shall permit any person or persons authorised by the Government in this behalf to inspect the Vineyard.

(9) The borrower shall commence the work of..... within one month of the receipt of the first instalment of the loan and shall complete it, before the end of..... from the receipt of the loan.

(10) If a default is made by the borrower in the payment of any instalment or instalments, towards grant of the loans along with interest on the due dates, the Government through any person or persons authorised in this behalf shall have a right to..... Possess or may at its option either sell the said..... or any part thereof free from all encumbrances by auction, tender in private negotiations without the intervention of any Court to any other person or persons, or enforce against the said property or all in any of the remedies of a simple mortgage and in case the realisable from the property falls short of the amount due to the Government, the Government shall be entitled to recover the same personally from the borrower (s) loanee (s) as well as from the movable or other immovable property belonging to the borrower (s) and/or sureties under Rajasthan Public Demands and Recovery Act.

(11) In the event of non-compliance with or breach of any of the conditions of this deed by the borrower (s) no further instalment (s) or advance, if due will be paid by the Government and the whole sum then remaining due to the Government under this deed on account of said loan and interest, thereon and other charges incidental hereto, shall become immediately payable and the Government shall recover it in one instalment within two months from the date of non-compliance or breach of any condition of this deed or provisions contained in Rule 11, as the case may be, and in such a case, penal interest at the rate of 9% shall also be chargeable on the amount due.

(12) Notwithstanding the above terms and conditions, the borrower (s) shall have the option at any time to pay the balance of the loan due

from him/tham. The amount of such balance of loan shall be determined by deducting from the said amount of loan, the amount of instalment or instalments paid by him/tham less interest on the loan from the date of payment of its first instalment.

(13) The borrower shall have to pay costs, charges and expenses incidental to any document to be executed by the Government or by him/them to fulfil the above terms and conditions.

(14) Other particulars concerning the Scheme—

(a)

(b)

(c)

(15) All disputes and differences arising out of or in any way touching to or concerning any documents and deeds (except those the decision thereof is otherwise provided for) shall be referred to the sole arbitration of the Chief Secretary to the Government of Rajasthan and his decision thereon shall be final and binding on both the parties.

In witness whereof the parties hereto have signed this deed on the date respectively mentioned against their signatures.

Signature of the borrower (s)

Witness

Address

Witness

Address

Signed for and on behalf of the
Governor of the State of Rajasthan

FORM IV

Security Bond

Know all men by these presents that I son of resident of in the District of (hereinafter called "the loanee"), has requested the Government for the grant of a loan of Rs. (Rupees.....) for Grape vine cultivation and on the Government has agreed to pay the sum of Rs (Rupees only) for the purpose. And whereas the loanee (which expression shall include his heirs, executors, administrators and representatives) has under-taken to repay the said amount with interest thereon calculated according to the rules in equal yearly instalments and if he loan shall not be repaid on due date, will pay penal interest in accordance with the rules, And these presents also witness that for the consideration of the said sum of Rs or any part thereof with interest according to the terms and conditions hereof, I/the said (hereinafter called "the Mortgagor") hereby convey transfer to the said Government (hereinafter called "the Mortgage") all the property described below and it shall remain and be charged for the purpose of recovering the said sum of Rs with

interest or any lesser sum as may become due by the mortgagor to the mortgagee. And the Mortgagor may terminate the deed on the final payment of the said sum of Rs..... with interest. If the loanee becomes insolvent, or dies, the whole amount (Rs.... ..) or part thereof outstanding shall be recoverable against the said property.

The Mortgagor consents with the mortgagee that he, the mortgagor, will during the continuance of this security observe and perform all the provisions and conditions of the said rules on his part to be observed and performed in respect of these presents and the hereditaments.

In witness whereof the said.... ..has signed hereunder on the day.....Of..... ..signed by
witness

- 1.
- 2.

Rules and Notifications under

AGRICULTURE PESTS & DISEASES ACT, 1951
THE RAJASTHAN (28 OF 1951)

NOTIFICATIONS UNDER

RAJ. AGRICULTURAL PESTS & DISEASE ACT, 1951

Published in Raj. Raj-patra Vol. 4 part I at page 175 :

CIVIL SUPPLIES DEPARTMENT.

NOTIFICATION

Jaipur, May 19, 1952.

No. F. 2 (5) Ag51.—In pursuance of sub-section (2) of section 1 of the Rajasthan Agricultural Pests and Diseases Act, 1951, the Government of Rajasthan hereby appoints the 1st June, 1952 as the date on which the said Act shall come into force throughout the whole of Rajasthan.

AJIT SINGH,

Secretary to the Government.

Published in Raj. Raj-patra Vol 4 part I at page 454 to 455 :

AGRICULTURE DEPARTMENT.

NOTIFICATION

Jaipur, August 1952.

No. F. 2 AG 51.—In exercise of the powers conferred by section 3 of the Rajasthan Agricultural Pests and Diseases Act, 1951 and in continuation of Gazette Notification No. F. 2(5) Agriculture/51, dated 19-5-52, the Government of Rajasthan is pleased to declare locust as the insect pest throughout Rajasthan.

Now, therefore, the Government of Rajasthan directs every occupier whose land or premises have been declared as infested with the pest to carry out the following preventive or remedial measures, including the destruction of this insect pest in order to control or to eradicate this pest or prevent its introduction spread or re-appearance:—

(i) To prevent the locust swarms from sitting on any vegetation by scaring them by beating drums or empty tins etc., and to destroy them by beating with brooms and sticks etc., or by dusting with B. H. C. or any other insecticide found suitable for the purpose or burning with kerosine oil etc. when they settle down.

(ii) To plough up the field where locust has laid eggs so as to destroy these eggs or ring trench the egg-laid area.

(iii) To kill the locust hoppers in all stages by trenching, dusting with B.H.C. or any other suitable insecticide or burning etc.

(iv) And to report to the nearest Thana about the visitation or appearance of the locust post.

This declaration shall remain into force for a period of six months.

Jaipur, August 8, 1952.

No. F. 2 (5) A.G./51.—In exercise of the powers conferred by section 10 of the Rajasthan Agricultural Pests and Diseases Act, 1951, the Government of Rajasthan is pleased to appoint the following officers to be Inspectors within their respective jurisdiction:—

A.—OFFICERS OF AGRICULTURE DEPARTMENT IN ALL DISTRICTS OF RAJASTHAN.

1. Plant Protection Officer.
2. Assistant Entomologists.
3. Assistant Plant Pathologist,
4. Plant Protection Supervisors.
5. District Agriculture Officers.
6. Agriculture Assistants.
7. Food Assistant

B.—OFFICERS OF REVENUE DEPARTMENT IN ALL DISTRICTS OF RAJASTHAN.

1. Collectors.
2. Sub-Divisional Officers.
3. Tehsildars.
4. Naib-Tehsildars.

C.—OFFICERS OF THE CENTRAL LOCUST CONTROL ORGANISATION.

1. Deputy Locust Entomologists
2. Assistant Locust Entomologists
3. Locust Technical Officers
4. Locust Warning Officers.
5. Locust Assistant.
6. Assistant Locust Technical Officers
7. Assistant Locust Warning Officers

Jaipur, August 8, 1952

No. 2 (5) Ag/51 —In exercise of powers conferred by section 12 of the Rajasthan Agricultural Pests & Diseases Act, 1951, the Government of Rajasthan is pleased to delegate all the powers exercisable by it under the said Act to the following officers except the powers under section 13 of the Act:—

Director of Agriculture and Food Commissioner, Rajasthan Jaipur.

By Order of

His Highness the Rajpramukh

AJIT SINGH,

Secretary to the Government

Published in Raj. Raj-patra Dated August 14, 1954 part IV (c) at 270 :

AGRICULTURE DEPARTMENT

NOTIFICATION

Jaipur, July 29, 1954

No. F. 2 (5) Agr/51.—In exercise of the powers conferred by section 3 of the Rajasthan Agricultural Pests and Diseases Act, 1951 and in continuation of Gazette Notification No. F. 2 (5) Agr./51, dated 19-5-52 the Government of Rajasthan is pleased to declare locust as the insect pest throughout Rajasthan.

Now therefore the Government of Rajasthan directs every occupier whose land or premises have been declared as infested with the pest to carry out the following preventive or remedial measures including the destruction of this insect pest in order to control or to eradicate this pest or to prevent its introduction, spread or reappearance;—

- (1) To prevent the locust swarm from sitting on any vegetation by scaring them by beating drums or empty tins etc., and to destroy them by beating with brooms and sticks etc., or by dusting with B.H.C. or any other insecticide found suitable for the purpose or burning with kerosine oil etc. when they settle down.
- (2) To plough up the field where locust has laid eggs so as to destroy these eggs or ring trench the egg laid area.
- (3) To kill the locust hoppers in all stages by trenching, dusting with B.H.C. or any other suitable insecticide or burning etc.
- (4) And to report to the nearest Thana about the visitation or appearance of the locust pest.

This declaration shall remain into force for a period of six months.

By Order of

His Highness the Rajpramukh,

R. D. MATHUR,

Secretary to the Government.

Notification Under.

Rajasthan Agricultural Pests and Diseases Act, 1951

Published in Raj Raj-patra part, IV (c) dated August 21 1961 at page 151 :

Agriculture Department

NOTIFICATION

Jaipur, August 18, 1961.

No. F. 23 (50) Agr./58.—In exercise of the powers conferred by sub-section (2) of section 1 of the Rajasthan Agricultural Pests and Diseases Act, 1951 (27 of 1951), the State Government hereby appoints the 21st day of August, 1961 as the date on which the said Act shall come into force in the districts of Jodhpur, Barmer, Jaisalmer, Nagaur, Jalore, Bikaner, Churu, Sikar and Jhunjhunu.

By Order of the Governor,

B. N. MATHUR,

Deputy Secretary to the Government.

Notifications under

Rajasthan Agricultural Pests and Diseases Act, 1951

Published in Rajasthan Raj-patra part IV (c) dated May 21, 1962 at page 68

Agriculture Department

NOTIFICATION

Jaipur, May 19, 1962.

No. F. 6 (19) Agr./C. 11/1962.—In exercise of the powers conferred by sub-section (2) of section 1 of the Rajasthan Agricultural Pests and Diseases Act, 1951 (Act No. XXVII of 1951), the State Government hereby appoints the 21st day of May, 1962 as the date on which the said Act shall come into force in the Tehsils of Bansur and Behror in District of Alwar.

By Order of the Governor,
RAJ KUMAR,
Secretary to Government.

Published in Raj. Raj-patra part IV (c) dated May 28, 1962 at page 274:

Jaipur, July 28, 1962.

No. F. 6 (19) Agr. C. II/1962.—In exercise of the powers conferred by sub-section (2) of Section of the Rajasthan Agricultural Pests and Diseases Act 1951 (Act No. XXVII of 1951) the State Government hereby appoints the 28th day of July 1962 as the date on which the said Act shall come into force in the districts of Jaipur, Alwar, Bharatpur Sawaimadhopur Tonk, Ajmer, Bundi, Kota, Jhalawar, Bhilwara, Chittorgarh, Banswara, Dungarpur, Udaipur, Pali and Sirohi.

By Order of the Governor,
RAJ KUMAR,
Secretary to Government.

Rules and Notifications under

AGRICULTURAL PRODUCE (DEVELOPMENT OF WARE-
HOUSING) COR. ACT, 1956 (CENTRAL ACT NO. 28 OF 1956).

Rajasthan State Warehousing Corporation Rules, 1957.

Irrigation and Co-operative Department NOTIFICATION

Jaipur, December 6, 1957.

No. F. 5 (121) Coop./57.—In exercise of the powers conferred by section 52 of Agricultural Produce (Department & Warehousing) Corporations Act, 1956 (Central Act 28 of 1956) the Government of Rajasthan makes the following rules namely :—

Notes

These rules have been framed in exercise of the powers conferred by section 52 of the Act. Section 2 (B) of the Act defines "Appropriate Government" in relation to a State warehousing Corporation as "State Government". The State Government is thus authorised under section 52 of the Act to make rules for carrying out the purposes of the Act in relation to the Rajasthan State warehousing Corporation. Without prejudice to the generality of the foregoing power the rules by the State Government are required to provide for :—

- (f) the manner of nomination and election of the directors of the Central Warehousing Corporation and the period within which such directors shall be nominated or elected;
- (k) the term of office of, and the manner of filling casual vacancies among, and the remuneration payable to, the directors of a Warehousing Corporation;
- (l) the manner of choosing directors on the Executive Committee of a Warehousing Corporation;
- (m) the maximum limit of the authorised capital of a State Warehousing Corporation;
- (n) the form of the annual statement of accounts and the balance-sheet to be prepared by a Warehousing Corporation;
- (o) the deposit of monies of a warehousing Corporation in a scheduled bank or a co-operative bank;
- (p) the manner of issuing shares of a Warehousing Corporation, the calls to be made in respect thereof, and all other matters incidental to the issue of shares.

CHAPTER I

Preliminary.

1. *Short title and commencement*—These rules may be called the Rajasthan State Warehousing Corporation Rules, 1957 and shall come into force on the 30th December, 1957.

2. *Definitions.*—In these rules unless the context otherwise requires :—

- (a) "Act" means the Agricultural Produce (Development and warehousing) Corporations Act, 1956.
- (b) "Board of Directors" means the Board of Directors of the Rajasthan State Warehousing Corporation.
- (c) "Corporation" means the Rajasthan State Warehousing Corporation.
- (d) "Executive Committee" means the Executive Committee of the Board of Directors,
- (e) "Form" means a form appended to these rules,
- (f) "Section" means a section of the Act.

These rules have been first published in Rajasthan Raj-patra Dated Dec., 19, 1957 in part IV (c) at page 771.

CHAPTER II

Nomination of Directors of State Warehousing Corporation.

3. *Term of office and filling casual vacancies among the members of Board of Directors of the State Warehousing Corporation.*—(i) A nominated director shall hold office so long as the authority competent to nominate him does not rescind or modify the nomination.

(ii) Vacancies of the Office of Director shall be filled up by nomination by the authority competent to nominate.

(iii) A non-official member on the Board of Directors or the Executive Committee may resign his office as such member by writing under his hand addressed to the Chairman of the Corporation and such resignation shall be effective from the date on which it is accepted by the Board of Directors.

Notes.

Sub-rule (iii) has been newly added vide Co-operative Department Notification No. F. 5 (121) Co-op /57 dated January 7, 1959, published in Rajasthan Raj-patra, part IV (c) dated January 22, 1959.

4. *Choice of the Directors of the Executive Committee of the State Warehousing Corporation.*—The three directors to be chosen under clause (c) of sub-section (i) of section 35 shall be chosen by the Board of Directors in consultation with the State Government. Out of the 3 directors, (i) 2 directors shall be from among the 5 directors which are nominated by the Central Warehousing Corporation, out of which at least one should be the non-official member, and

(ii) One shall be Registrar of Co-operative Societies, Rajasthan.

CHAPTER III

Shares of the State Warehousing Corporation.

5. *Shares movable property.*—The shares of the State Warehousing Corporation shall be movable property.

6. *Authorised Capital.*—The Authorised Capital of the State Warehousing Corporation shall be 100 lacs of Rupees made up of 1,00,000 shares of Rs. 100 each.

7. *Conditions of first allotment of shares.*—(i) Subject to the provisions of the Act and these Rules, shares of the Corporation shall be under the control of the Board of Directors.

(ii) The first allotment of the shares shall be made by the Board of Directors in accordance with the provisions of section 29.

(iii) The Board of Directors may make allotment of shares either in full or in part depending on the number of shares issued by Corporation.

8. *Share register.*—(i) The Corporation shall maintain at head office a register of shares issued under this Act and shall maintain therein the particulars as deemed necessary by the Board of Directors.

(ii) In the share register, a separate ledger shall be maintained in respect of each of the categories of the share-holders referred to in section 29 of the Act.

9. *Share Certificate*.—(i) Every share certificate shall be issued under the common seal of the Corporation.

(ii) Every share certificate shall specify the number and denote the number of the shares in respect of which it is issued and shall be issued within 3 months from the date of application for shares.

10. *Share-holders entitled to one share certificate*.—The Central Warehousing Corporation and the State Government shall each be entitled, free of charge, to one certificate for all shares registered in their names.

11. *Renewal of share certificate*.—If any share certificate is worn out or defaced, then upon production thereof to the Head Office of the Corporation may order the same to be cancelled and issue a new certificate or certificates in lieu thereof. If any share certificate is alleged to be lost or destroyed, then on receipt of intimation of the loss or destruction the Corporation may issue free of charge a new certificate in lieu thereof.

Notes

Present rule 11 has been substituted for the previous one vide the same notification as referred in notes to rule 3. previously rule 11 read as under :—

11. *Renewal of share certificate*.—(i) If any share certificate is worn out or defaced or tendered for sub division, then upon production thereof to the head office of the Corporation, it may order the same to be cancelled and issue a new certificate or certificates in lieu thereof and if any share certificate is alleged to be lost or destroyed, then upon production of such evidence of the loss or destruction thereof as the Board of Directors may consider satisfactory and upon such indemnity with or without security as the Board of Directors may require, a new certificate in lieu thereof shall be given to the party entitled to such lost or destroyed certificate provided that no such certificate shall be issued without notice to the public inserted in local newspapers and, inviting objection if any, within a week of the notice. In case of loss or destruction, the party availing himself of the provisions of this rule shall also pay to the Corporation all expenses incidental to the investigation of evidence of loss or destruction and the preparation of the requisite form of indemnity as aforesaid.

(ii) For every certificate issued under this rule, there shall be paid to the Corporation, a sum of Re. 1/- in addition to the incidental expenses, which may have been incurred by it under sub clause (i).

12. *The Shares may be issued subject to different conditions as to call etc.*—The Corporation may make arrangements on the issue of shares for a difference between the holders of such shares in the amount of calls to be paid and the time of payment of such calls.

13. *Instalments on shares to be duly paid*.—If, by the conditions of allotment of any share, the whole or part of the amount or issue price thereof shall be payable by instalments, every such instalment shall, when due, be paid to the Corporation by the allottee, which for the time being, shall be registered holder of the share.

14. *Calls*.—The Board of Directors may, from time to time, make such calls as it thinks fit upon the share-holders in respect of all moneys unpaid on the shares held by them respectively and not by the conditions of allotment thereof made payable at fixed times and each share-holder shall pay the amount of every call so made on such share-holder to the persons and at the times and places appointed by the Board of Directors.

15. *When the calls deemed to have been made.*—A call shall be deemed to have been made at the time when the resolution of the Directors authorising such call was passed and a notice of call issued to the share-holders specifying the time and the place of payment and to when such call shall be paid. At least 15 days' time from the date of issue of such notice shall be given to the share-holders for such payment.

16. *When interest on call or instalment payable.*—If the sum payable in respect of any call or instalment be not paid on or before the day appointed for payment thereof, the holder for time being of the share in respect of which the call shall have been made of the instalment due, shall pay interest for the same at the rate of Rs. 9 per cent per annum from the day appointed for the payment thereof, to the time of the actual payment or at such other rate, as the Board of Directors may determine. The Board of Directors may, in its absolute discretion, waive the payment of interest under this rule.

17. *Evidence in action for call.*—At the trial or hearing of any action for the recovery of any money due for any call, it shall be sufficient to prove that the name of the Share holder, sued, is entered in the register as the holder, that the resolution making the call is duly recorded in the Minute book, in pursuance of these rules and it shall not be necessary to prove the constitution of the Board of Directors, which makes such call, nor any other matter whatsoever but the proof of the matter aforesaid shall be conclusive evidence of the debt.

18. *Payment of calls in advance.*—The Board of Directors may, if it thinks fit, receive from any share-holder willing to advance the same, all or any part of the capital due upon the shares held by such member beyond the sums actually called for; and upon the amount so paid in advance, or so much thereof as from time to time exceeds the amount of the calls then made upon the shares in respect of which such advance has been made, the Corporation may pay interest at such rate as the share-holder paying such sum in advance and the Board of Directors agree upon.

19. *If call or instalment not paid, notice may be given.*—If any share-holder fails to pay any call or instalment on or before the day appointed for the payment of the same, the Board of Directors may at any time thereafter, during such time as the call or instalment remains unpaid serve a notice on such share-holder requiring such share-holder to pay the same, together with any interest that may have accrued and all expenses that may have been incurred by the Corporation, by reason of such non payment.

20. *Form of notice.*—The notice shall name a day and a place or places on and at which such a call or instalment and such interest and expenses as aforesaid are to be paid. The notice shall also state that in the event of non-payment at or before the time and at the place appointed, the shares in respect of which the call was made or instalment is payable, will be liable to be forfeited.

21. *If notice not complied with shares may be forfeited.*—If the requisitions of any such notice as aforesaid are not complied with, any shares in respect of which such notice has been given may, at any time thereafter, before payment of all calls or instalments, interest and expenses, due in respect thereof, be forfeited by a resolution of the Board of Directors to that effect. Such forfeiture shall include all dividends declared in respect of the forfeited shares, and not actually paid before the forfeiture.

22. *Forfeited shares to become the property of the Corporation.*—Any share so forfeited shall be deemed to be the property of the Corporation, and the Board of Directors may sell, re-allot or otherwise dispose of the same in such manner as they may think fit, subject to the provision of section 29 of the Act.

23. *Power to annul forfeiture.*—The Board of Directors may at any time before any shares so forfeited shall have been sold, re-allotted, or otherwise disposed of, annul the forfeiture thereof upon such conditions as it thinks fit.

24. *Arrears to be paid not withstanding forfeiture.*—Any share-holder, whose shares have been forfeited under Rule 21 shall not withstanding such forfeiture be liable to pay, and shall forthwith pay to the Corporation interest and expenses owing upon or in respect of such shares at the time of forfeiture together with interest thereon, from the time of forfeiture untill payment at 9 per cent per annum and the Board of Directors may enforce the payment thereof, if they think fit.

CHAPTER IV MISCELLANEOUS

25. *Maintenance of and operation upon Bank Accounts and investments of the State Warehousing Corporation.*—(i) All moneys belonging to the Corporation shall be deposited in the Reserve Bank or the State Bank of India or, subject to the sub-rules below, in such Scheduled Bank or Co-operative Bank as may be approved for this purpose by the State Government to the account of the Corporation.

(ii) All payments by or on behalf of the Corporation shall be made by cheques except for amounts not exceeding Rs. 500/- which may be made in cash from the amount of imprest sanctioned for such purposes.

(iii) Such cheques and all orders for making deposits or investments or for the withdrawal of the same for the disposal in any other manner or the funds of the Corporation, shall be signed by the Managing Director or by any officer of the Corporation, authorised by the Board in this behalf.

(iv) No payment shall be made out of the accounts of the Corporation unless the expenditure is covered by the financial estimate referred to in section 36 (1) provided, however, that the Executive Committee of the Corporation may, at its discretion, authorise expenditure being incurred in anticipation of such esti-

mate. The Statement of expenditure so incurred shall be submitted to the Board of Directors at its next meeting.

(v) All monetary transactions shall be entered in the Cash-book as soon as they occur and attested by an Officer of the Corporation duly authorised in this behalf. The Cash book shall be closed daily and completely checked by the Managing Director or the Officer authorised by him in this behalf. At the end of each month, the Managing Director or the Officer so authorised, shall verify the cash-book and the cash in hand and record a signed and dated certificate to that effect.

(vi) All payments by the Corporation shall be made on bills or other documents duly prepared and passed by the Managing Director or other Officer authorised in this behalf. The paid voucher shall be stamped "Paid" or so cancelled that they can not be used a second time. They should then be kept serially numbered and produced at the time of audit.

26. *Deposit in Bank or investment in securities of surplus funds.*—(i) Any funds of the Corporation not required for current expenditure may be placed in fixed deposits with the Reserve Bank of India or State Bank of India or any scheduled or Co-operative Bank approved in this behalf by the State Government or invested in the name of the Corporation in the securities of the State Government or the Central Government.

(ii) The placing of money in fixed deposit and the investment thereof and the disposal of money so placed or invested shall require the sanction of the Executive Committee of the Corporation.

27. *Annual statement of Account and Balance Sheet.*—The Board of Directors shall cause the books of the Corporation to be balanced on the last working day of the month of March in every year and the annual accounts shall be set out as follows :—

(a) A balance sheet in form 'A'.

(b) A Profit and Loss Account in form 'B'.

FORM 'A'

(Rule No. 27)

Rajasthan State Warehousing Corporation

Balance Sheet as on 31st March.

| <i>Capital and Liabilities.</i> | | <i>Property and Assets.</i> | |
|--------------------------------------|---------|--------------------------------|---------|
| | Rs. np. | | Rs. np. |
| 1. Capital:— | | 1. Cash in hand. | |
| (i) Authorised, | | 2. Cash in Bank:— | |
| (ii) Issued. | | (i) The Reserve Bank of India. | |
| (iii) Subscribed:— | | (ii) The State Bank of India | |
| (a) State Government. | | (iii) Scheduled Banks. | |
| (b) Central Warehousing Corporation. | | (iv) Co-operative Banks. | |
| (iv) Paid up. | | 3. Investments:— | |

2. Calls in arrears.
 3. Reserve fund under section 40 (1).
 4. Bad and Doubtful Debts fund under section 40 (2).
 5. Other Funds.
 6. Bond and Debentures section 37 (1).
 7. Borrowings form:-
 - (i) The Reserve Bank of India (under section 37 (2) (i) (a)).
 - (ii) The Reserve Bank of India (under section 37 (2) (i) (b)).
 - (iii) The State Bank of India (under section 37 (2) (ii)).
 - (iv) The State Government (under section 37 (3)).
 - (v) National Co-operative Development and Warehousing Board (under section 9 (2) (b)).
 - (vi) Central Warehousing Corporation (under section 37 (3)).
 - (vii) National Co operative Development and Warehousing Board (under section 37 (3)).
 3. Advances received for purchase of Agricultural commodities:-
 - (i) From Central Government (under section 34 (e)).
 - (ii) From State Government (under section 34 (e)).
 - (iii) From Central Warehousing Corporation (under section 34 (e)).
 9. Liability (section 37 (4) under guarantees by State Government for bonds and debentures per-contra
 10. Provision for taxes.
 11. Other liabilities.
 12. Suspense
- (i) Central Government Securities.
 - (ii) State Government Securities.
 - (iii) Shares of Co-operative Societies (under section 34 (e)).
 - (iv) Other investments.
4. Fixed assets:-
 - (i) Lands.
 - (ii) Buildings.
 - (iii) Godowns and Warehouses.
 5. Value of dead-stock.
 6. Outstanding dues from or purchases made on behalf.-
 - (i) Central Government.
 - (ii) State Government.
 - (iii) Central Warehousing Corporation.
 7. Guarantees by State Government per contra.
 8. Other items.

13. Other items.

14. Profit and Loss Account.

FORM 'B'

(Rule 27)

RAJASTHAN STATE WAREHOUSING CORPORATION

Profit and Loss Account for the year ended 31st March.

Rs. np.

Rs. np.

1. Interest on:—

(i) Loans from Reserve Bank of India

(ii) Loans from Central warehousing Corporation

(iii) Loans from State Bank of India.

(iv) Loans from Central Government.

(v) Loans from State Government.

(vi) Loans from National Co-operative Development and warehousing Board.

(vii) Bonds.

(viii) Debentures.

2. Establishment.

3. Directors Fees etc.

4. Rent, Rates, Taxes.

5. Depreciation.

6. Repairs.

7. Bad and Doubtful Debts.

8. Auditors Fee or remuneration.

9. Stationery, Printing etc.

10. Miscellaneous Expenses.

Net Profit a/d

1. Warehousing Charges

2. Interest on:—

(i) Securities.

(ii) Bank Accounts.

(iii) Advances.

(iv) Loans from:—

(a) Central Government

(b) State Government.

(c) Central warehousing Corporation.

(d) National Co-operative Development and warehousing Board.

(e) Reserve Bank.

(f) State Bank of India.

3. Subsidies: —

From National Co-operative Development and warehousing Board.

4. Dividend or shares in Co-operative Societies.

5. Other income including Agency Commission.

.....
Net Loss b/d.....

By Order of the Governor,

BALWANT SINGH,

Secretary to the Government.

Rajasthan State Warehousing Corporation (General) Regulations, 1962

Co-operative Department 'I'

NOTIFICATION

No F.9(1)SCA 59.—The following regulations made under Section 54 of the Agricultural Produce (Development and Warehousing) Corporations Act 28 of 1956 are hereby published for general information:—

General Regulations

CHAPTER I

Preliminary

1. *Short title and commencement.*—(1) These Regulations may be called the Rajasthan State Warehousing Corporation (General) Regulations, 1962.

(2) They shall come into force with effect from the date of their publication in the Gazette.

2. *Definitions.*—In these regulations unless the context otherwise requires:—

(a) "Act" means the Agricultural Produce (Development and Warehousing) Corporations Act, 28 of 1956.

(b) "Board of Directors" means the Board of Directors of the Corporation.

(c) "Chairman" means the Chairman of the Board of Directors.

(d) "Corporation" means the Rajasthan State Warehousing Corporation established under Section 28 of the Agricultural Produce (Development and Warehousing) Corporations Act, 28 of 1956.

(e) "Director" means a member of the Board of Directors.

(f) "Executive Committee" means the Executive Committee of the Corporation.

(g) "Managing Director" means the Managing Director of the Corporation.

(h) "Sub-Committee" means a Sub-Committee appointed by the Board of Directors or by the Executive Committee.

CHAPTER II

Meetings of the Board of Directors and the Executive Committee.

3. *Meetings of the Board of Directors and the Executive Committee.*—(1) A meeting of the Board of Directors shall be held

ordinarily once a quarter in each year and that of the Executive Committee ordinarily once a month.

(2) Ordinarily not less than fourteen days' notice shall be given to every Director of a meeting of the Board of Directors and not less than 7 days' notice to a member of the Executive Committee of a meeting of the Executive Committee.

(3) An emergent meeting of the Board of Directors or that of the Executive Committee may, however, be called at a shorter notice but such notice shall be sufficient to enable every Director or a member of the Executive Committee who is at that time in India to attend such a meeting.

(4) A meeting of the Board of Directors or of the Executive Committee shall be convened by the Managing Director in consultation with the Chairman. A notice of the meeting shall be sent to each director or member of the Executive Committee, as the case may be, at his registered address, specifying the time, date and place of the meeting, and the business to be transacted at the meeting. No business other than that specified in the notice shall be transacted at a meeting except that of which seven days' clear notice has been given to the Chairman but with the permission of the authority presiding at the meeting any other matter may be considered.

4. *Presiding Authority.*—The Chairman or in his absence any Director (other than the Managing Director) chosen by the Directors present from amongst themselves, shall preside over the meeting of the Board of Directors or the Executive Committee, as the case may be.

5. *Decision by majority.*—All questions at a meeting of the Board of Directors or of the Executive Committee shall be decided by a majority of votes. In case of equality of votes, the person presiding shall have a second or a casting vote.

6. *Quorum.*—The quorum for a meeting of the Board of Directors shall be six and of the Executive Committee three. If there is no quorum at any meeting of the Board of Directors or of the Executive Committee, the meeting shall be adjourned and at adjourned meeting the business of the last meeting shall be conducted irrespective of there being a quorum or not.

7. *Place of meeting.*—A meeting of the Board of Directors and of the Executive Committee may be held at Jaipur or at such other convenient place in Rajasthan as may be decided by the Chairman.

8. *Minute Book.*—The Managing Director shall maintain a Minute Book in which the minutes of a meeting of the Board of Directors shall be recorded. He shall similarly maintain a Minute Book in which the proceedings of a meeting of the Executive Committee shall be recorded. The minutes of a meeting of the Board

of Directors as well as of the Executive Committee shall be circulated as soon as possible after the meeting for the information of the Directors and the Members of the Executive Committee and shall be placed before the next meeting of the Board of Directors or the Executive Committee as the case may be, for confirmation and shall bear the signature of the Chairman or the person presiding over the meeting.

9. *Disclosure of interest by a Director.*—Every director who is, in any way, whether directly or indirectly, concerned or interested (except as a representative of a statutory body incorporate) in any contract, loan or agreement, entered into or proposed to be entered into, by or on behalf of the Corporation, shall disclose the nature of his concern or interest to the Board of Directors or the Executive Committee, as the case may be, and shall not participate in the meeting of the Board of Directors or of the Executive Committee when such contract, loan or agreement is considered.

CHAPTER III

10. *Fees and allowances to Directors for attending a meeting.*—

(1) A Director (other than a member of Parliament or of a State Legislature or the Managing Director or a salaried officer of the Government) shall receive a fee of Rs. 10/- for attending each meeting of the Board of Directors or of the Executive Committee or a Sub-Committee in which his attendance is considered necessary.

(2) In addition, each such Director shall be reimbursed his travelling expenses for attending the meetings of the Board of Directors or of the Executive Committee or of a Sub-Committee or in respect of the journeys undertaken by him in connection with the business of the Corporation at the following scales:—

(a) *If the journey is performed by rail.*—One single fare for first class accommodation if the same is availed of or the actual fare of the lower class by which the Director travels and 1/4th of the first class railway fare as Incidental Charges for single journey.

(b) In respect of journeys by road @ 37 nP. permile:
Provided that where rail facilities are available, the mileage allowance shall be calculated as if the journey had been made by rail.

(c) *Allowance.*—At the rate of Rs. 10/- per diet for the day or days of attendance at the meeting.

11. *Allowances for Directors who are Members of Parliament or of State Legislature or officers of Government or of statutory body*—(1) A Director who is a member of Parliament or of any State Legislature shall be entitled to draw such travelling and daily allowance as are admissible to him as such member.

(2) A Director who is a salaried officer of Government or of a Statutory body shall be entitled to draw such travelling and daily allowances and receive such fees for the meetings as are admissible to him under the rules regulating his conditions of service.

CHAPTER IV

Administration and Conduct of Affairs of the Corporation.

12. *Powers of the Chairman in an emergency.*—In matters calling for emergent action the Chairman may pass any order or perform any act within the competence of the Board of Directors provided that any orders passed under this provision shall be placed for confirmation before the next meeting of the Board of Directors or of the Executive Committee whichever is earlier.

13. *Powers of the Managing Director*—(1) The Managing Director shall have the powers to carry on the authorised business of the Corporation in accordance with the instructions which the Board of Directors or the Executive Committee may issue from time to time and the Managing Director shall decide whether any suit or proceedings be instituted or defended by or against the Corporation subject to such directions as the Board of Directors may give from time to time.

(2) The Managing Director shall act as the 'Controlling and Disbursing Officer' in respect of all funds of the Corporation and shall operate accounts either singly or jointly with a Director or any Officer of the Corporation authorised in this behalf by the Board of Directors from time to time and to draw, accept and endorse bills of exchange and other instruments in the current and authorised business of the Corporation and to sign all other account receipts and documents connected with such business.

(3) The Managing Director shall organise and supervise the office of the Corporation, maintain discipline and exercise such powers in connection with appointments, promotions, termination of service and other disciplinary matters and leave of the staff of the Corporation as may be vested by the Board of Directors in this behalf and to allocate duties to the staff and make such other arrangements as may be necessary for the efficient discharge of the functions of the Corporation.

14. *Account of Expenditure on the Administration of the Corporation.*—The Board of Directors shall determine from time to time the amount of expenditure on the administration of the Corporation.

15. *Common seal of the Corporation.*—The common seal of the Corporation shall not be affixed to any instrument except in pursuance of a resolution of the Board of Directors or of the Executive Committee and except in the presence of the Managing Director, and one other Director who shall sign their names to the

instrument in token of their presence and such signing shall be independent of the signature of any person, who may sign the instrument as a witness. Unless executed as aforesaid, such instrument shall have no validity.

16. *Manner and Form in which contracts binding on the Corporation may be executed.*—Contracts on behalf of the Corporation may be made as follows:—

(a) Any contract which is by law required to be in writing may be made on behalf of the Corporation in writing signed by any person acting under its authority (express or implied) and may in the same manner be varied or discharged.

(b) Any contract which will be valid if made by parole only may be made by parole on behalf of the Corporation by any person acting under its authority (express or implied), and may in the same manner be varied or discharged.

17. *Pleading etc. by whom to be signed.*—Plaints, written statements, petitions, Vakalatnamas affidavits and other documents connected with legal proceedings may be signed and verified on behalf of the Corporation by the Managing Director or such other officer of the Corporation as may be authorised by the Managing Director in this behalf.

G. L. MEHTA,
Secretary to Government.

Rajasthan State Warehousing Corporation General Regulations, 1962

RULES

Co-Operative Department

NOTIFICATION

No. F. 9 (51) SCA/59.—The following regulations made under section 54 of the Agricultural Produce (Development and Warehousing) Corporation Act 28 of 1956 are hereby published for general information:—

CHAPTER I

Preliminary

1. *Short title and commencement.*—These Regulations may be called the Rajasthan State Warehousing Corporation (General) Regulations, 1962.

2. They shall come into force with effect from the date of their publication in the Gazette.

2. *Definitions.*—In these regulations unless the context otherwise requires:—

(a) “Act” means the Agricultural Produce (Development and Warehousing) Corporations Act, 28 of 1956.

(b) “Board of Directors” means the Board of Directors of the Corporation.

(c) “Chairman” means the Chairman of the Board of Directors.

(d) “Corporation” means the Rajasthan State Warehousing Corporation established under section 28 of the Agricultural Produce (Development and Warehousing) Corporations Act, 28 of 1956.

(e) “Director” means a member of the Board of Directors.

(f) “Executive Committee” means the Executive Committee of the Corporation.

(g) “Managing Director” means the Managing Director of the Corporation.

(h) “Sub-Committee” means a Sub-committee appointed by the Board of Directors or by the Executive Committee.

CHAPTER II

Meetings of the Board of Directors and the Executive Committee

3. *Meeting of the Board of Directors and the Executive Committee.*—(1) A meeting of the Board or Directors shall be held ordinarily once a quarter in each year and that of the Executive Committee ordinarily once a month.

(2) Ordinarily not less than fourteen days' notice shall be given to every Director of a meeting of the Board of Directors and not less than 7 days' notice to a member of the Executive Committee of a meeting of the Executive Committee.

(3) An emergent meeting of the Board of Directors or that of the Executive Committee may, however, be called at a shorter notice but such notice shall be sufficient to enable every Director or a member of the Executive Committee who is at that time in India to attend such a meeting.

(4) A meeting of the Board of Directors or of Executive Committee shall be convened by the Managing Director in consultation with the Chairman. A notice of the meeting shall be sent to each director or member of the Executive Committee, as the case may be, at his registered address, specifying the time, date and place of the meeting, and the business to be transacted at the meeting. No business other than that specified in the notice shall be transacted at a meeting except that of which seven days' clear notice has been given to the Chairman but with the permission of the authority presiding at the meeting any other matter may be considered.

4. *Presiding authority*.—The Chairman or in his absence any Director (other than the Managing Director) chosen by the Directors present from amongst themselves, shall preside over the meeting of the Board of Directors or the Executive Committee, as the case may be.

5. *Decision by majority*.—All questions at a meeting of the Board of Directors or of the executive Committee shall be decided by a majority of votes. In case of equality of votes, the person presiding shall have a second or a casting vote.

6. *Quorum*.—The quorum for a meeting of the Board of Directors shall be six and of the Executive Committee three. If there is no quorum at any meeting of the Board of Directors or of the Executive Committee, the meeting shall be adjourned and at the adjourned meeting the business of the last meeting shall be conducted irrespective of there being a quorum or not.

7. *Place of meeting*.—A meeting of the Board of Directors and of the Executive Committee may be held at Jaipur or at such other convenient place in Rajasthan as may be decided by the Chairman.

8. *Minute Book*.—The managing Director shall maintain a Minute in which the minutes of a meeting of the Board of Directors shall be recorded. He shall similarly maintain a Minute Book in which the proceedings of a meeting of the Executive Committee shall be recorded. The minutes of a meeting of the Board of Directors as well as of the Executive Committee shall be circulated as soon as possible after the meeting for the information of the Directors and the Members of the Executive Committee and shall be placed before the next meeting of the Board of Directors or the Executive Committee as the case may be, for confirmation and shall bear the signature of the Chairman or the person presiding over the meeting.

9. *Disclosure of interest by a Director.*—Every director who is, in any way, whether directly or indirectly, concerned or interested (except as a representative of a statutory body incorporate) in any contract, loan or agreement, entered into or proposed to be entered into, by or on behalf of the Corporation, shall disclose the nature of his concern or interest to the Board of Directors or the Executive Committee, as the case may be, and shall not participate in the meeting of the Board of Directors or of the Executive Committee when such contract, loan or agreement is considered.

CHAPTER III

10. *Fees and Allowances to Director for attending a Meeting:*—

(1) A director (other than a member of parliament or of a State Legislature or the Managing Director or a salaried officer of the Government) shall receive a fee of Rs. 10/-for attending each meeting of the Board of Directors or of the Executive Committee or a Sub-Committee in which his attendance is considered necessary.

2. In addition, each such Director shall be reimbursed his travelling expenses for attending the meetings of the Board of Directors or of the Executive Committee or of a Sub-Committee or in respect of the journeys undertaken by him in connection with the business of the Corporation at the following scales:—

(a) *If the journey is performed by rail:*—One single fare for first class accommodation if the same is availed of or the actual fare of the lower class by which the Director travels and 1/4th of the first class railway fare as Incidental Charges for single journey.

(b) In respect of journeys by road @ 37 nP. per mile:

Provided that where rail facilities are available the mileage allowance shall be calculated as if the journey had been made by rail.

(c) *Allowance.*—At the rate of Rs. 10/-per diem for the day or days of attendance at the meeting.

11. *Allowances for Directors who are members of Parliament or of State Legislature or Officers of Government or of Statutory body.*—(1) A director who is a member of Parliament or of any State Legislature shall be entitled to draw such travelling and daily allowance as are admissible to him as such member.

2. A director who is a salaried officer of Government or of a Statutory body shall be entitled to draw such travelling and daily allowances and receive such fees for the meetings as are admissible to him under the rules regulating his conditions of service.

CHAPTER IV

Administration and conduct of affairs of the Corporation.

12. *Powers of the Chairman in an emergency.*—In matters calling for emergent action the Chairman may pass any order or perform any act

within the competence of the Board of Directors provided that any orders passed under this provision shall be placed for confirmation before the next meeting of the Board of Directors or of the Executive Committee whichever is earlier.

13. Powers of the Managing Director.—The Managing Director shall have the power to carry on the authorised business of the Corporation in accordance with the instructions which the Board of Directors or the Executive Committee may issue from time to time and the Managing Director shall decide whether any suit or proceedings be instituted or defended by or against the Corporation subject to such directions as the Board of Directors may give from time to time.

(2) The Managing Director shall act as the ‘Controlling and Disbursing Officer’ in respect of all funds of the Corporation and shall operate accounts either singly or jointly with a Director or any Officer of the Corporation authorised in this behalf by the Board of Directors from time to time and to draw, accept and endorse bills of exchange and other instruments in the current and authorised business of the Corporation and to sign all other account receipts and documents connected with such business.

(3) The Managing Director shall organise and supervise the office of the Corporation, maintain discipline and exercise such powers in connection with appointments, promotions, termination of service and other disciplinary matters and leave of the staff of the Corporation as may be vested by the Board of Directors in this behalf and to allocate duties to the staff and make such other arrangements as may be necessary for the efficient discharge of the functions of the Corporation.

14. Account of expenditure on the administration of the Corporation.—The Board of Directors shall determine from time to time the amount of expenditure on the administration of the Corporation.

15. Common Seal of the Corporation.—The common seal of the Corporation shall not be affixed to any instrument except in pursuance of a resolution of the Board of Directors or of the Executive Committee and except in the presence of the Managing Director, and one other Director who shall sign their names to the instrument in token of their presence and such signing shall be independent of the signature of any person, who may sign the instrument as a witness. Unless executed as aforesaid, such instrument shall have no validity.

16. Manner and form in which contracts binding on the Corporation may be executed.—Contracts on behalf of the Corporation may be made as follows:—

(a) Any contract which is by law required to be in writing may be made on behalf of the Corporation in writing signed by any person acting under its authority (express or implied) and may in the same manner be varied or discharged.

(b) Any contract which will be valid if made by parole only may be made by parole on behalf of the Corporation by any person acting under

its authority (express or implied) and may in the same manner be varied or discharged.

17. *Pleading etc. by whom to be signed.*—Plaints, written statements, petitions, Vakalatnamas affidavits and other documents connected with legal proceeding may be signed and verified on behalf of the Corporation by the Managing Director or such other officer of the Corporation as may be authorised by the managing Director in this behalf

G. L. MEHTA,
Secretary to Government.

NOTIFICATIONS UNDER
AGRICULTURAL PRODUCE (DEVELOPMENT &
WAREHOUSING) CORPORATION ACT, 1956
IRRIGATION & CO-OPERATIVE DEPARTMENT
NOTIFICATION

Jaipur, December 2, 1957.

No. F. 5 (84) Co-op./56—In exercise of the powers conferred by sub-section (1) and (3) of section 28 of the Agricultural Produce (Development and Warehousing) Corporations Act, 1956 (XXVIII of 1956) and with the approval of the Central Warehousing Corporation, the Government of Rajasthan is pleased to establish a Warehousing Corporation for the State of Rajasthan to be called "The Rajasthan State Warehousing Corporation" with effect from the 30th day of December, 1957.

The head office of the Rajasthan State Warehousing Corporation shall be at Jaipur.

By Order of the Governor,
BALWANT SINGH,
Secretary to the Government.

Rules and Notifications under

RAJASTHAN AGRICULTURAL PRODUCE
MARKETS ACT 1961.

The Rajasthan Agricultural Produce Markets Rules, 1963.

Notification No. F. 2 (114) Agr. V./59.—In exercise of the powers conferred by Section 36 of the Rajasthan Agricultural Produce Markets Act, 1961 (Rajasthan Act 38 of 1961) the State Government hereby makes the following rules, the same having been previously published as required by Sub-section (4) of the said section, namely:—

PART I

Short Title and Definitions

1. *Short Title*.—These rules may be called the Rajasthan Agricultural Produce Markets Rules, 1963 and they shall come into force at once.

2. *Definitions*.—In these rules unless there is anything repugnant in the subject or context,—

- (i) “Act” means the Rajasthan Agricultural Produce Markets Act, 1961.
- (ii) “‘A’ Class Broker” means a Commission Agent which is included in a ‘Broker’ as defined in the clause (iii) of section 2(1) of the Act.
- (iii) “‘B’ Class Broker” means Broker other than the Commission Agent.
- (iv) “Collector” means the Collector of that District within the limits of which the Principal Market Yard falls.
- (v) “Government” means the Government of Rajasthan.
- (vi) “Form” means form appended to these rules.
- (vii) “Market Committee’s Official Year” means the year commencing on the first day of April and ending on 31st March every year.
- (viii) “Commission Agent” means a person who on behalf of another person and in consideration of a commission makes or offers to make a purchase or sale of any Agricultural Produce or does or offers to do anything necessary for completing or carrying out such purchase or sale.
- (ix) “Seller” includes a person selling or offering to sell agricultural produce on behalf of another as his duly authorised agent.

(x) "Secretary" means a person appointed as Secretary of the Market Committee or any officer or servant appointed for the time being to perform the duties of the Secretary.

(xi) "Section" means the section of the Act.

(xii) "Organisation of Agriculturists" includes:—

(a) All village Panchayats in the Market Area.

(b) Farmers Forum, if any.

(c) All co-operative credit and multipurpose societies including better farming societies or collective farming or joint farming societies which do not hold trader's or broker's licence.

(d) Any other organisation of the Agriculturists which may be recognised by the Government.

Explanation:—(i) Co-operative Multipurpose Societies and Co-operative Sale Societies doing business of buying or selling Agricultural Produce with or without Commission shall not be deemed to be organisation of agriculturists for the purpose of the said rule.

(ii) The Panchayat in whose jurisdiction the Principal Market Yard lies shall not be included in the Agriculturists Constituency, but in the local authorities Constituency.

PART II

Constitution of Market Committees and Elections

3. Every Market Committee shall consist of 15 members who shall be nominated or elected in the manner hereinafter provided in these rules.

4. *Disqualification for Membership.*—A person shall be disqualified for being chosen as a member of market committee:—

(1) if his name is not entered on the voter's list prepared and maintained under these rules;

(2) if he has not attained the age of 21 years;

(3) if he has been adjudged by a competent Court to be of unsound mind;

(4) if he is an undischarged insolvent;

(5) if he has been convicted and sentenced by a court to imprisonment for an offence punishable with imprisonment for a term exceeding six months unless such disqualification has been removed by an order passed by the Government;

6) if he has made a default in payment of any fees or cess due to market committee;

- (7) if he is a servant of the market committee or holds licence from such committee as a 'B Class Broker', weighman, measurer or surveyor;
- (8) if he has directly or indirectly any share or interest in any contract or employment with or on behalf of or under the market committee :—

Provided that—

- (i) a person shall not be chosen as a member representing the local authorities constituency, if he holds a trader's licence issued by the market committee and if, he is an employee of a firm or is a member of a joint family of a licence holder;
- (ii) a person shall not be chosen as a member representing traders constituency, if he does not ordinarily reside in the market area and who has not been a licence holder for the previous two years and does not hold a valid licence by the market committee or has no trade for more than six months without satisfactory explanation or has made breach of the term and conditions, upon which the licence was granted to him;
- (iii) a person shall not be chosen as a member representing co-operative societies constituency unless he is a member of some co-operative forming the constituency;
- (iv) a person shall not be chosen as a member representing the agriculturists constituency if his main income is not from agriculture or he is a defaulter of a co-operative society or a village-panchayat or possesses a trader's licence or has interest in a joint family or a firm which has a trader's or broker's licence.

*Explanation:—*For the purpose of this rule a person shall be deemed to be ordinarily residing in the market area if he resides in such area for not less than 180 days in a Market Committee's official year.

5. *Constituencies:—*For the purpose of electing members to a market committee in every market area the following shall be the constituencies:—

- (a) Agriculturists' constituency.
- (b) Traders' constituency.
- (c) Local Authorities' constituency.
- (d) Co-operative Societies' constituency.

6. *Persons qualified to vote:—*

1. *Agriculturists' Constituency:—*The following persons shall be qualified to vote in an agriculturists' constituency:—

- (a) All members of the recognised organisations of agriculturists operating in the market area.
- (b) Where no such organisation exists, the following agriculturists ordinarily residing within the market area namely:—
 - (i) holders of land whether unalienated or alienated assessed or assessable jointly or severally at not less than Rs. 10/- at the end of the revenue year immediately preceding the financial year in which the election is held, or
 - (ii) tenants of unalienated lands assessed at not less than Rs. 10/- at the end of the revenue year immediately preceding the financial year in which the election is held, or
 - (iii) tenants of alienated lands assessed or assessable at not less than Rs. 10/- at the end of the revenue year immediately preceding the financial year in which the election is held.

Explanation:—(1) A person shall be deemed to reside ordinarily within any area if he (a) has actually resided within the area for an aggregate period of not less than 180 days during the calendar year preceding that in which the lists of voters for the time being under preparation for such area are provisionally published under rule 8 (iii); or (b) has maintained within the area for an aggregate period of not less than 180 days during the calendar year preceding that in which the lists of voters for the time being under preparation for such area are provisionally published under rule 8 (iii), a dwelling for himself in charge of his dependants or servants and has visited such dwelling during the year first mentioned in connection with his business in the area.

- (2) If any question arises, whether any person is or is not an agriculturist for the purpose of this rule, the Director shall decide it and his decision shall be final.
- (3) No person shall be entitled to have his name entered in the list of voters for more than one market area or as member of more than one organisation of agriculturists.

II. Traders' Constituency.—The following persons shall be qualified to vote in a trader's constituency:—

- (a) all persons licenced under sub-section (2) of section 4 in the market area before the date fixed in this behalf by the Collector;

(b) all persons approved by the Market Committee and registered as such under sub-rule (6) of rule 69 before the date fixed in this behalf by the Collector.

III. *Local Authorities' Constituency*.—Members of the Panchayat Samities, members of Municipal Councils, members of Municipal Boards and Panchas (including Surpanchas) or Panchayats, as the case may be, shall elect representatives as required by section 7(1) (iv).

IV. *Co-operative Society Constituency*.—All Co-operative Societies operating in the market which have been approved by the market committee and registered under sub-rule (6) of rule 69 :

Provided that one person from each co-operative society holding a valid licence, elected by the managing committee of that society shall vote on behalf of that society.

7. Names of persons qualified to vote to be reported to Collector or any person authorised by him in this behalf:—

(i) Every organisation of agriculturists shall report the names of the persons qualified to vote, to the Collector or any person authorised by him in this behalf on or before the date fixed by the Collector.

(ii) Every firm or Corporation qualified to vote in a traders' constituency under these rules shall nominate a person to vote on its behalf and intimate in writing the names of the persons, so nominated to the market committee or its authorised agent, not later than the date fixed in this behalf by the Collector :

Provided that any firm or Corporation holding both a trader's as well as a broker's licence shall not be entitled to nominate more than one person on its behalf.

(iii) Every Co-operative Society qualified to vote in a Co-operative Societies Constituency shall intimate in writing the name of the person so elected to vote on its behalf to the Market Committee or its authorised agent not later than the date fixed in this behalf by the Collector.

8. *Voter's List*.—(i) The Collector or any person authorised by him in this behalf (hereinafter in this rule, referred to as such person) shall cause to be prepared separate lists of voters qualified to vote for the agriculturists' constituency, traders' constituency, local authority constituency, and co-operative societies' constituency referred to in clauses (i) to (iv) of sub-section (1) of section 1. Every such list shall be revised for every triennial election at least 4 months before the date on which the term of the market committee is due to expire. The Collector

or such person shall for this purpose call upon the market committee to prepare from the market registers and to furnish to him the names of all persons qualified to vote in the traders' constituency representing the traders electorate and the Co-operative Societies qualified to vote in the Co-operative Societies Constituency. He shall also call upon the organisation of agriculturists within the market area to intimate to him the names of persons qualified to vote under the Agriculturists, Constituency, and where no organisation of agriculturists exists he shall cause to be prepared a list of persons qualified to vote under rule 6(1)(b).

(ii) Every list of voters prepared under sub-rule (i) shall show the full name, residence and the serial number of the voter and the nature of his qualifications.

(iii) Every such list shall be published provisionally in such manner as the Collector or such person may deem fit.

(iv) When publishing the list provisionally the Collector or such person shall fix a date not later than one month from the date of publication of the list before which any application for the inclusion, exclusion or correction of any entry shall reach him. The Collector or such person or any other officer appointed by the Collector for the purpose shall hear and decide any applications and objections received before the date so fixed and the decisions of the Collector or such person or the other officer relating to such application or objection shall be final.

(v) The Collector or such person shall cause the lists to be amended in accordance with the orders passed under sub-rule (iv) and shall cause them to be republished finally in such manner as he may deem fit.

(vi) If, after the final publication of the list of voters under sub-rule (v) the Collector on application or otherwise is satisfied after such inquiry as he deems fit, that any entry or entries in the list is or are erroneous or defective in any particular, the Collector may cause a list of amendments to be prepared, thereupon the provisions of sub-rules (ii) to (v) shall apply in the case of such list in like manner as they apply in the case of the list of voters.

(vii) Copies of such final lists including the final lists of amendments shall be made available for inspection and sale in whole or in part in the office of the Collector or such person.

(viii) The final list as also the final lists of amendments republished under sub-rule (v) shall remain in force and continue in operation as the list of voters for the purpose of any bye-election.

9. *Calling upon the constituencies to elect.*—As soon as may be after the final publication of lists of voters under sub-rule (v) of rule 8, the Collector shall call upon the constituencies to elect their representatives to the market committees on a date fixed by him in this behalf.

10. *Notice to elect.*—Not less than 42 days before the date fixed for the election, the Collector shall publish in the manner he may deem fit a notice circulating in the market area and post copies of such notice in village panchayat headquarters and other conspicuous places stating:—

- (a) the number of persons to be elected;
- (b) the date on which, the place at which, and the hours between which nomination papers shall be presented to him or to any other person authorised by him in this behalf, which date shall not be less than 4 days from the date of publication of notice;
- (c) the date on which scrutiny of nomination papers shall be made;
- (d) the date on which and the place or places at which the votes of the electors shall be taken, if there be a poll and the hours during which the poll shall be taken; and
- (e) the day on which and the place and hour at which the votes shall be counted.

11. *Nominations.*—(1) Each candidate shall on the date fixed under clause (b) of the rule 10 deliver to the Collector or to any other person authorised by him in this behalf a nomination paper in Form I.

(2) Every nomination paper shall be signed by two persons qualified to vote in the constituency concerned as proposer and seconder and the candidate shall sign a declaration on it expressing his willingness to stand for election.

(3) The same person may sign as proposer as many nomination papers as there are vacancies to be filled. Each candidate shall be nominated by a separate nomination paper.

(4) The Collector or the person authorised by him in this behalf shall on receiving a nomination paper enter in the nomination paper its serial number and shall endorse thereon the date on which and the hour at which the nomination paper was delivered to him.

(5) Where any person has signed whether as proposer or seconder a large number of nomination papers than there are vacancies to be filled, those of the papers so signed which have

been first received upto the number of vacancies to be filled shall be deemed to be valid.

(6) Nomination papers received after the date and the time appointed under clause (b) of rule 10 shall be rejected.

12. *Deposit on Nomination.*—(1) At or before the time of the delivery of a nomination paper, each candidate shall deposit with the Collector or any other person authorised under sub-rule (1) of rule 11 a sum of Rs. 50/-. No candidate shall be deemed to be duly nominated unless the deposit referred to in this rule has been made.

(2) If a candidate by whom the deposit referred to in sub-rule (1) has been made withdraws his candidature in the manner and within the time specified in rule 17 or if the nomination of any such candidate is rejected under rule 16 the deposit shall be returned to the candidate; and if any candidate dies before the commencement of the poll, any such deposit shall be returned to his legal representative.

(3) If a candidate by whom the deposit referred to in sub-rule (1) has been made is not elected and the number of votes polled by him does not exceed $\frac{1}{8}$ th of the total number of votes polled divided by the number of members to be elected, the deposit shall be forfeited to the Market Committee.

(4) For the purpose of sub-rule (3) the total number of votes polled shall be deemed to be the total number of ballot papers other than rejected ballot papers, counted.

(5) The deposit made by a candidate shall, if it is not forfeited under sub-rule (3) be returned to the candidate, as soon as may be, after the publication of the result of the election in the Official Gazette.

13. *Verification of Nominations.*—On the presentation of a nomination paper the Collector or the person authorised by him under rule 11 (1) shall verify the names of the persons, proposer, seconder and the candidate with the list of voters.

14. *Publication of list of Nomination.*—As soon as may be after the date fixed for the presentation of nomination papers, the Collector or the person authorised by him under rule 11, shall publish a list in Form-II of all nominations received with a notice that the nomination paper shall be scrutinised on the date appointed under clause (c) of rule 10 at the place and hour specified in the notice. The list of the nominations and the notice shall be published in such manner as the Collector or the person authorised as aforesaid may deem fit.

15. *Scrutiny of Nominations.*—On the dates fixed for the scrutiny of nominations under clause (c) of rule 10 the candidate

and one of their agents duly authorised in writing by each candidate may attend at such time and place as the Collector or the person authorised by him under rule 11 may appoint and the Collector or the person so authorised shall give them all reasonable facilities for examining the nomination paper of all candidates.

16. Disposal of objections and rejection of Nominations.—

(1) The Collector or the person authorised by him under rule 11 shall then examine the nomination papers and shall decide all objections which may be made at the time to any nomination and may either on such objection or on his own motion after such summary enquiry, if any, as he thinks necessary, reject any nomination on any of the following grounds:—

(i) that the candidate, the proposer or the seconder is a person whose name is not registered on the list of voters, or

(ii) that the nomination has not been made in accordance with these rule.

(2) The Collector or the person authorised as aforesaid shall endorse on each nomination paper his decision accepting or rejecting the same and if the nomination paper is rejected shall record in writing a brief statement of his reasons for such rejections. The scrutiny shall be completed on the day fixed in this behalf under clause (c) of rule 10, and shall not be adjourned on any ground.

17. Withdrawal of Candidature.—(1) Any candidate may withdraw his candidature by notice in writing subscribed by him and delivered either in person by the candidate himself or by any of his proposers or seconders to the Collector or to the person authorised by him under rule 11, within three days of the date succeeding that fixed for the scrutiny of nomination under clause (c) of rule 10.

(2) On completion of the scrutiny of nomination and after the expiry of the period within which candidature may be withdrawn under sub-rule (1), the Collector or the person authorised by him as aforesaid shall prepare a list of persons, whose nominations are in order and who have not withdrawn their candidature in Form-III, and cause it to be affixed in some conspicuous place in his office, in the Tehsil Office, Panchayat Samiti Office concerned and in the office of the market committee not less than 7 days before the date fixed for the election.

18. Procedure of Election.—(1) If the number of candidates who are duly nominated and who have not withdrawn their candidature in the manner and within the time specified in sub-

rule (1) of rule 17 exceeds that of the vacancies to be filled, a poll shall be taken.

(2) If the number of such candidates is equal to the number of vacancies, all such candidates shall be declared to be duly elected.

(3) If the number of such candidates is less than the number of vacancies, all such candidates shall be declared to be duly elected, and the Collector or the person authorised by him under rule 11, shall call upon the constituency to fill the remaining vacancy or vacancies, as the case may be, within such time as may be specified.

19. *Assignment of symbols.*—In the case of every contested election, the Collector or the person authorised by him in this behalf shall assign to each candidate a distinguishing symbol.

20. *Form of voting paper.*—The voting paper shall be printed in Form IV-A and shall contain the names of the candidates in alphabetical order (in Hindi), together with the distinguishing symbol assigned to each candidate under rule 19 :

Provided that the names of candidates declared to be duly elected under rule 18 shall not be entered in the voting paper.

21. *Arrangements for the Holding of Election etc.*—The Collector or the person authorised by him in this behalf shall make such arrangements as may be necessary for the holding and supervision of the election, for the scrutiny of the ballot papers and for declaration of the results of the election.

22. *Voting.*—Every voter shall have as many votes as there are members to be elected on behalf of the constituency and may give all his votes to one candidate or may distribute them among the candidates as he chooses :

Provided that the total number of votes given by him shall not exceed the total number of members to be elected for the constituency.

23. *Procedure at Election when Equality of votes exists.*—If when a poll has been taken at an election an equality of votes is found to exist between any candidates, and the addition of one vote will entitle any of the candidates to be declared elected, one additional vote shall be given by the Collector or the person authorised by him, in this behalf to the candidate or, as the case may be, the candidates, selected by lot drawn in the presence of the Collector or the person authorised by him in such manner as the Collector or such person may determine.

24. *Death of Candidate before poll.*—If after the taking of a poll has become necessary and before the poll is taken a candidate who has been duly nominated dies, the Collector shall,

being upon satisfied of the fact of the death of the candidate, countermand the poll and the election proceedings shall be commenced anew in all respects as if for a new election :

Provided that no fresh nomination shall be necessary in the case of a candidate who stood validly nominated at the time of the countermanding of the poll.

25. Intimation to the Collector of the name of the Representative of a Local Authority.—(1) The Local Authorities shall intimate in writing to the Collector, the names of the persons elected as the representatives under clause iv of sub-section (1) of section 7 before the date fixed by the Collector in this behalf.

(2) Intimation to the Collector regarding the name of the representative of the Co-operative Bank—

The Co-operative Central Financing Agency in the market area shall intimate in writing to the Collector, the name of the person appointed as its representative under sub-section (iii) of section 7 of the Act before a date fixed by the Collector in this behalf :

Provided that if there are more Co-operative Central Financing agencies in the market area, the appointment shall be made by the said co-operative Central Financing Agencies in such order of rotation as may be specified by the Collector.

26. Filling in Casual vacancies in the Market Committee.—The procedure for holding a bye election for purposes of sub-section (6) of section 7 shall be the same as that for a general election.

27. Publication of the names of elected and nominated members of the market committee.—The names of the elected and nominated members shall be published in the Official Gazette as soon as conveniently may be after their election and nomination.

27A. Determination of validity of election.—(1) If the validity of any election of a member of the market committee is brought in question by any person qualified either to be elected or to vote at the election to which such question refers, such person may, within seven days after the date of the declaration of the result of the election apply in writing to the Director.

(2) On receipt of an application under sub-rule (1) the Director shall after giving an opportunity to the applicant to be heard and after making such enquiry as he deems fit, pass an order confirming or amending the declared result of the election or setting the election aside and such order shall be final. If the Director sets aside the election, a date shall be forthwith

fixed and the necessary steps be taken for holding afresh election.

28. *Person disqualified to cease to be a member.*—A member of the Committee may be removed by the Government if at any time after his nomination or election as the case may be, he becomes subject to any of the disqualifications mentioned in rule 4 and his seat shall thereupon become vacant :

Provided that before the Government notify the removal of a member under this rule, the reasons for his proposed removal shall be communicated to the member concerned and he will be given an opportunity of tendering an explanation in writing :

Provided further that a person representing an organisation of agriculturists, a firm, corporation or a co-operative multipurpose, marketing or sale society, shall be debarred from continuing to be such member if he ceases to be member of the organisation of agriculturists, firm, corporation or co-operative multipurpose marketing or sale society of which he was a representative.

29. *Expenditure in connection with or incidental to such elections.*—All expenditure incurred by the Collector or the person authorised by him under rule 11 in connection with or incidental to the election of members of the market committee shall be recoverable under section 34 from the market committee.

30. *Destruction of voting papers.*—On the expiry of three months from the date of publication of the names of elected and nominated members of the market committee under rule 27, all voting papers in the possession of the Collector or any other person authorised by him in this behalf, may be destroyed in the presence of the Chairman or the Vice-Chairman or such officer as the market committee may appoint in that behalf on the date fixed by the Collector or any other person authorised by him in this behalf.

PART III

Market Committees, powers and duties, its Chairman, Vice-Chairman, Officers, Servants and dispute sub-committees.

31. *Powers and Duties.*—In addition to the powers and duties specified in the Act, the market committee shall have the powers and discharged the duties specified below—

1. Powers—

- (i) to recommend the removal from its office of its Chairman or Vice-Chairman ;

- (ii) to have absolute control of the market ;
- (iii) to prescribe qualifications required for the post of superior and inferior staff other than the Market Secretary ;
- (iv) to draw up standard form of contract ;
- v) to employ auctioneers ;
- (vi) to get reports of carts and loads brought into licensed premises ;
- (vii) to withdraw licences granted to brokers and weighmen, measurers surveyors and warehousemen ;
- (viii) to require licencees to keep accounts, to send returns or to render assistance in collection of cess or prevention of evasion to pay cess ;
- (ix) to remove the name of any trader as prescribed from the register ;
- (x) to control weighments.

2. Duties—

- (i) to keep copies of the Act, the Rules and Notifications issued thereunder and of its bye-laws up-to-date ;
- (ii) to keep a minute book of the proceedings ;
- (iii) to keep the market in good and sanitary conditions ;
- (iv) to maintain an account of each cart or load brought into the market yard or sub-yard ;
- (v) to take security from its officers and servants ;
- (vi) to maintain a register of fees or cess collected ;
- (vii) to provide persons authorised to collect fees, a cash box and counterfoil receipt books ;
- (viii) to issue licences to traders, brokers, weighmen, measurers and surveyors ;
- (ix) to keep a set of authorised weights and scales ;
- (x) to have plans and estimates prepared for works ;
- (xi) to keep accounts in such forms as may be prescribed by the Government ;
- (xii) to publish a statement of assets and liabilities ;
- (xiii) to secure check on receipts and expenditure ;
- (xiv) to regulate expenditure according to the budget ;
- (xv) to prepare and adopt budget for the ensuing year ;
- (xvi) to provide marketing information ;
- (xvii) to arrange for temporary storage of agricultural produce.

32-A. The Chairmen of the First nominated market committee to be nominated by Government.—The Chairman of the first nominated market committee shall be appointed by the Government and the Vice-Chairman of the first nominated market committee shall be elected as prescribed under rule 32-B.

32-B. Election of Chairman & Vice-Chairman of the Committee.—(1) The Collector or any person authorised by him in this behalf shall call the first meeting of a newly constituted market committee to elect its Chairman and Vice-Chairman, from amongst its members. For the purpose of the election of both the Chairman and Vice-Chairman, the Collector or the person authorised by him shall preside over the meeting but shall not vote.

(2) At such meeting, candidates for the office of Chairman and Vice-Chairman shall be separately proposed and seconded. The proposer and seconder shall not be the same person. The names of all the candidates proposed and seconded shall be read out by the President of the meeting.

(3) If there is only one candidate for each of the offices of Chairman and Vice-Chairman he shall be declared to have been elected.

(4) If there are two or more such candidates, the votes of the members present at the meeting shall be taken.

(5) Every member wishing to vote shall be supplied with a voting paper on which the names of all the candidates for the office of Chairman or Vice-Chairman, as the case may be, shall be written legibly in English and in Hindi. Every voting paper shall be initialled on the reverse by the President.

(6) A voter shall then place a mark against the name of the candidate for whom he wishes to vote, fold it up and deposit it in a ballot box placed before the President. If a voter is unable to do so, the President may mark the voting paper in the presence of the members according to the voter's directions and deposit it in the ballot box.

(7) The President shall then open the ballot box and count the votes in the presence of the members and declare the members who secure the largest number of votes to have been elected as the Chairman, or the Vice-Chairman, as the case may be. If there is an equality of votes among two or more candidates, the President shall draw lots in the presence of the members and the person whose name is first drawn shall be declared to have been elected.

(8) Any voting paper, which contains the signature of the voter on or which the mark is placed against more than one name or the reverse of which does not contain the initials of the President, shall be invalid.

(9) Immediately after the meeting, the President shall cause the notice declaring the names of the persons declared to have been elected as Chairman and Vice-Chairman to be affixed in some conspicuous place in the office of the market committee.

(10) The voting papers shall be sealed by the President and retained in safe custody in the office of the market committee, and the packet containing the voting papers shall not be opened or destroyed except under the orders of the Collector.

(11) If during the course of election of a Chairman or Vice-Chairman any dispute arises as to the correctness or otherwise of the decision given or procedure followed by the Collector or the person authorised by him it shall be referred to the Director and the decision of Director in respect of such dispute shall be final.

33. Functions and Powers of the Chairman.—The Chairman or in his absence the Vice-Chairman shall be the controlling and supervising officer of the committee and all officers and servants of the committee shall, subject to these rules and to the directions, if any, given by the committee, be subject to his control. The Chairman or in his absence, the Vice-Chairman shall.—

- (i) Preside over the meeting of the market committee and conduct business at such meetings;
- (ii) watch over the financial and executive administration;
- (iii) direct in cases of emergency the execution or stoppage of any work or the doing of any work which requires the sanction of the market committee;
- (iv) he shall suspend the licences of persons for a period not exceeding one month;
- (v) he shall be responsible for all correspondence with the Government or the Director;
- (vi) he shall be the authority competent to grant casual leave to the Secretary. For other kinds of leave the Secretary shall apply through the Chairman to the Director who shall take action to sanction leave in accordance with leave rules governing a Government servant;
- (vii) he shall be responsible for the custody of all amounts not deposited in the Treasury or with a Bank approved by the Director.

34. Term of office and casual vacancy in the office of the Chairman or the Vice-Chairman.—(1) Any persons elected as Chairman or Vice-Chairman shall hold office for three years from the date of his election as Chairman or Vice-Chairman as the case may be or for the duration of the market committee except

in case of the Chairman and Vice-Chairman of the first nominated market committee referred to in sub-section (3) of section 7,

(2) In the event of the expiry of the term of office of the Chairman or the Chairman dying, resigning or ceasing to hold office for any reason before the expiry of his term of office, the Collector or any other persons authorised by him in this behalf shall call a meeting of the market committee to elect another person as Chairman. The Collector or the person authorised by him, shall preside over such meeting but shall not vote. Every Chairman elected under this sub-rule to fill a casual vacancy shall hold office so long as the Chairman in whose place he is elected, would have held it if the vacancy had not occurred.

(3) In the event of the expiry of the term of office of the Vice-Chairman or the Vice-Chairman dying, resigning or ceasing to hold the office for any reason before the expiry of his term of office, the Chairman shall call a meeting of the market committee to elect another person as Vice-Chairman. The Chairman shall preside over such meeting and shall be entitled to vote. Every Vice-Chairman elected under this sub-rule to fill a casual vacancy, shall hold office so long as the Vice-Chairman in whose place he is elected would have held it if the vacancy had not occurred:

Provided that when the office of the Chairman is vacant, the Vice-Chairman shall perform the functions of the Chairman till a new Chairman is elected :

Provided further that when both the offices of the Chairman and Vice-Chairman are vacant or when neither of them is able to perform the functions of a Chairman, any person appointed by the Director shall perform such functions till a new Chairman or Vice-Chairman is elected.

(4) Subject to the provisions of sub-rules (2) and (3) the provisions of rule 32-B shall so far as may, apply to the election of a Chairman or Vice-Chairman under sub-rule (2) or (3) as the case may be.

35-A Resignation by Chairman, Vice-Chairman and members.—The Chairman, Vice-Chairman or any member of the market committee shall resign his office by a written application to the Director. No such resignation shall take effect until it is accepted by the Director.

35-B. Removal of Chairman or Vice-Chairmen of the market committee.—The market committee by a majority of 2/3rd of the total number of members present at a meeting specially convened for the purpose, pass a resolution for the removal of Chairman or Vice-Chairman, and any such resolution so passed shall be subject to the confirmation of the Director.

36. Meetings of the Committee.—(1) Every meeting of the market committee other than those referred to in clause (1) of rule 32-B shall be presided over by the Chairmen or in his absence by the Vice-Chairman or in the absence of both by a member elected by the meeting to preside for the occasion.

(2) A person presiding over the meeting shall be entitled to speak and vote on all questions at the meeting.

(3) A member presiding over a meeting shall, for that meeting or during the period in which he presides over it, have all the powers of the Chairman.

(4) All questions which may come before the committee at any meeting shall be decided by the vote of the majority of the members present at the meeting and in every case of equality of votes, a member presiding over a meeting shall have and exercise a second or casting vote.

37. Presons entitled to convene and attend meetings.—(1) A meeting of the market committee shall be convened by the Chairman if such a meeting is desired to be convened by the Director or by a requisition signed by not less than 2/3rd of the number of members of the committee for considering any matter of importance.

(2) The Collector or any person authorised by him in this behalf, the Director or any person authorised by him in this behalf shall be entitled to attend any meeting of the market committee, but they shall not be entitled to vote. A copy of the notice convening every meeting shall be sent to the Collector and the Director or any person authorised by them in this behalf.

(3) Any person from public, with the previous permission of the Chairman, may attend the meetings of the market committee but shall not be entitled to take part in discussions or to vote.

38. Minute Book.—A minute book shall be kept by every market committee and a record of the proceedings of every meeting shall be entered therein by, or under the supervision of, member presiding over the meeting and shall be signed by him. The minute book shall be permanently preserved. It shall be opened to the inspection at all reasonable hours to members of the market committee and also to the Director, or any other person authorised by the Director, or the Collector or any other person authorised by the Collector in this behalf. The proceedings of the market committee shall not be treated as public documents and copies thereof shall not be supplied except when so required by orders of a court. The Secretary of

the market committee shall be responsible for the writing of the minute book and he shall also sign the minute book.

39. *Copy of proceedings of meeting.*—A copy of the proceedings of every general meeting of the market committee shall be forwarded to the Collector and to the Director or any person authorised by the Director in this behalf.

40. *The market committee to provide for certain matters.*—After paying all sums due to Government, the market committee shall, so far as the funds at its disposal permit, but subject to the provisions of the Act and these rules, provide—

- (i) for the maintenance and improvement of any enclosure or building which may constitute the market yard;
- (ii) for the construction and repairs of buildings, chabutras and other erections necessary for the purpose of the market ; and
- (iii) for the health, convenience and safety of the persons using the market;

41. *Appointment of Dispute Sub-committee.*—(1) The market committee may appoint a sub-committee called the dispute sub-committee consisting of—

- (a) one of the nominated members of the committee, shall be the Chairman of the sub-committee ;
- (b) one of the representatives of the agriculturists on the market committee ;
- (c) one of the representatives of the traders on the market committee ;
- (d) one of the representatives of the local authorities on the market committee ;
- (e) one of the representatives of the Co-operative Societies or Co-operative Central Financing Agency.

(2) The dispute sub-committee shall arrange for the settlement of dispute between buyers or sellers or their agents including disputes regarding the quality or weight of the articles, the allowance for wrappings, containers, dirt or impurities or deductions for any cause.

(3) The dispute sub-committee shall appoint in respect of each market yard a panel of not less than 10 persons but not more than 15 persons to act as arbitrators in the settlement of the disputes aforesaid. Every person included in the panel shall be either an agriculturist living in or near the market or a trader doing business in such market where any such dispute arises the parties thereto may agree to the settlement thereof in accordance with the following provisions—

- (a) The dispute shall be reported to the Secretary of the market committee who shall try to settle the dispute. In case the decision of the Secretary is not acceptable to either party or parties the dispute shall be referred to the arbitrators on payment of the fees fixed by the market committee in the bye-laws.
- (b) Each party to the dispute shall select one arbitrator from the panel appointed for the purpose by the dispute sub-committee.
- (c) If the arbitrators fail to agree, they may appoint an umpire who shall also be chosen from the panel aforesaid to settle the dispute.
- (d) An appeal shall lie against the decision of the arbitrators or umpire to the disputes sub-committee.
- (e) The decision of the arbitrators or umpire, or, where an appeal has been made to the disputes sub-committee, the decision of such sub-committee shall be final.
- (f) No business shall be transacted at a meeting of such sub-committee unless there be present atleast three members.
- (g) Every meeting of the sub-committee shall be presided over by the Chairman of the sub-committee and in his absence by a member elected by the meeting to preside on the occasion.

(4) The dispute shall be decided on the same day as far as possible.

(5) All questions which may come before the dispute sub-committee at any meeting shall be decided by the vote of majority of members present at the meeting and in every case of equality of votes, the Chairman or the presiding member shall have and exercise a second or casting vote.

(6) The market committee shall maintain a full record of all the disputes which come before the dispute sub-committee; and the Secretary of the market committee shall be the Secretary of such a sub-committee.

42. *Other Sub-committees.*—(1) The market committee may form a sub-committee or sub-committees of not more than three of its members for each or any of the market yard or yards as the case may be, or the day to day working of the committee and may delegate any of its powers to such sub-committee or sub-committees.

(2) The powers to be exercised and the functions to be performed by these sub-committees shall be such as may be prescribed in the bye-laws.

(3) The sub-committees shall maintain a minute book of its proceedings and the Secretary of the market committee shall be responsible for writing of the proceedings of the meetings held by the sub-committees

43. *Servants of the market committee.*—(A) Every market committee shall have a Secretary appointed by the Government in case of Gazetted Officer (on deputation) and by Director in case of non-Gazetted Officer (on deputation) on such scale of pay and allowances as may be fixed by the Government.

(B) *Powers and functions of the Secretary—*

- (1) The Secretary shall be the executive officer of the market committee and carry into effect the resolution of the market committee.
- (2) All other officers and servants of the committee shall be subject to his control. He shall also be responsible for directing their work in such manner as to ensure proper and efficient working of the market.
- (3) It shall be the duty of the Secretary to supervise the work of the officers and servants of the committee and to take necessary disciplinary action against any of the officers and servants of the committee for their neglect, misconduct etc.
- (4) He shall be responsible for the proper execution of all orders issued by the committee. He shall take or cause to take action against any of the officers and servants of the committee in accordance with the directions given by the committee.
- (5) The Secretary shall be the head of the establishment entertained by the committee.
- (6) Subject to the control of the Chairman the Secretary shall be responsible for maintaining proper accounts of money received and/or spent for and on behalf of the committee. He shall conduct all routine correspondence and attend to other Secretarial work of the office.
- (7) All correspondence with offices subordinate to Government or Director shall be conducted through the Chairman or with the previous approval of the Chairman who shall be bound to transmit them to the authorities concerned with his remarks, if any.
- (8) He shall also be responsible for maintaining complete records of all the disputes which come up for the decision before the dispute sub-committee in the form to be prescribed by the committee.

- (9) He shall also maintain a record of the disputes settled by him in the form to be prescribed by the committee.
- (10) On receipt of a complaint either written or oral regarding all matters concerning sale and purchase of agricultural produce in the market, the Secretary shall conduct an enquiry and shall make a report of the same to the Chairman for taking such action as he may think necessary in accordance with the provisions of the Act, rules and bye-laws.
- (11) He shall call meetings of the market committee and shall have the right to speak at and otherwise, take part in any meeting of the committee or sub-committee thereof, but shall not be entitled to vote or move any resolution. He shall maintain the proceedings of the meeting and sign the same.
- (12) Whenever a short vacancy on the post of a Secretary arises, the Director in consultation with the market committee may direct any member of the staff of the market committee to hold additional charge of the post.
- (13) Besides a Secretary, the market committee may employ such other officers and servants as may be necessary and proper for the efficient execution of its duties. Such officers and servants shall be divided into two classes—
 - (a) Superior Officers and Servants, and
 - (b) Inferior Servants.

Superior officers and servants shall be the Assistant Secretary, Accountants, Treasurers, Supervisors, Kanungoes, Clerks and such officers and servants as the Director may determine besides a Secretary. The inferior servants shall be peons, watchmen and other menial servants.

- (14) The terms and conditions of the superior officers and servants shall be such as are approved by the Director and those of the inferior servants shall be such as the market committee itself may decide.
- (15) The appointment of superior officers and servants shall be made by the market committee subject to the approval of the Director. Any punishment, revision in pay or terms of service or dismissal of the superior officers and servants shall also be subject to the approval of the Director. All inferior servants shall be under the full control of the market committee but the committee shall make an immediate report to the

Director in regard to their appointment, pay, punishment, dismissal and other matters relating to such servants.

- (16) The Director may by order in writing delegate any of his powers and duties under this rule to any of his subordinate officers subject to such conditions as he thinks fit.
- (17) No Government servant employed by the market committee shall be punished except by the authority which would have been competent to do so if he were in service of that Government at that time or otherwise than in accordance with the rules relating to the conditions of the service of that Government.
- (18) The market committee shall take sufficient security from such of its officers and servants as are entrusted with the handling of money.

44. *Travelling allowance of the Chairman, Members, Officers and Servants of the market committee.*—A market committee may pay to its members including Chairman and Vice-Chairman, its officers and servants. Travelling Allowance for the journeys undertaken by them at its meetings or any other work at the rates not exceeding the following—

Railway Fare Chairman, Vice-Chairman, Members and Secretary Single 1st class fare or the actual fare paid if the journey is performed in a lower class or by bus.

Other Officers and servants.—

Pay upto Rs. 100/- III class.

Pay above 100/- II class or the actual fare paid if the journey is performed in lower class or by bus.

Daily Allowances:—

| | |
|-----------------------|--|
| Chairman | of A class Market—Rs. 6.50 |
| Vice-Chairman and | of B class Market—Rs. 5.50 |
| Members | of C class Market—Rs. 5.00 |
| Secretary | According to the T/A rules of the State. |
| Superior and Class IV | According to the T/A rules of the State. |

Mileage Allowance:—

| | |
|---|--|
| Chairman and Vice-Chairman and Members | —0.31 nP. per mile. |
| Secretary and other officers and servants | According to the T/A rules of the State. |

Market fund, Expenditure and Accounts

45. *The market committee fund.*—All money received by the market committee shall be credited to the fund called the market committee fund. Except where Government on application by the market committee or otherwise shall direct, all money paid into the market committee fund shall be credited at least once a week in full into Government treasury or sub-treasury, or a bank duly approved for this purpose by the Director. All balance from the fund shall be kept in such treasury or sub-treasury or bank and it shall not be withdrawn upon except in accordance with these rules.

46. *Expenditure.*—(1) All payments except from imprest shall be on cheque drawn on behalf of market committee.

(2) Every cheque drawn on behalf of the market committee shall be against bill which has been examined and passed by the Secretary and signed by the Chairman and the Secretary. In the absence of the Chairman it shall be signed by the Vice-Chairman and the Secretary. In the absence of both the Chairman and the Vice-Chairman it shall be signed by any two members of the market committee and the Secretary. In the absence of the Secretary, it shall be signed either by both the Chairman and Vice-Chairman or by the Chairman and one of the members of the market committee.

(3) Except in the following cases, the Secretary shall not pass any bill unless the expenditure detailed therein has received the previous sanction of the market committee:—

- (i) Salary and allowances of establishment.
- (ii) Payment of works and repairs sanctioned by competent authority.
- (iii) Urgent expenditure for which there is budget provision or which does not exceed Rs. 200/- :

Provided that in the absence of the Chairman the Bills for payment of the above nature may be passed and signed by the Vice-Chairman, in the absence of both, by any two members.

47. *Remittance to Treasury or Bank.*—All remittance to the Government treasury or sub-treasury or bank shall be accompanied by challans or deposit slips in duplicate. The monthly or periodical statement of accounts furnished by the treasury or bank shall be regularly filed and made available for audit.

48. *Pass Book.*—The pass book shall be got written up to-date at least once a month by the treasury or sub-treasury or the bank by which the original account is kept.

49. *Submission of Budget.*—(1) The market year shall be held to commence on the 1st April and end on 31st March.

(2) The market committee shall hold a meeting each year during the first week of January to prepare a budget of income and expenditure for the ensuing market year. The budget shall be submitted to the Director or any officer authorised by him in this behalf not later than the 15th January for approval and the abstract accounts of the receipts and expenditure of the previous market year shall be submitted to the Director or any such officer not later than 30th April.

(3) No expenditure shall be incurred for which there is no budget provision unless it can be met by reappropriation from savings under other heads or by a supplementary in the available reserve which should be sanctioned unanimously at a meeting of the market committee and approved by the Director.

50. *Works to be included in the Budget.*—No works for which plans and estimates have not been previously prepared and sanctioned may be included in the budget.

51. *Evidence of sanction.*—Plans and estimates for works estimated to cost less than Rs. 500/- shall be signed by the Chairman of the market committee. In case of works estimated to cost more than Rs. 500/- the professional approval of an Engineer, approved by the Director shall be obtained and evidenced by his countersignature.

52. *Supervision of works.*—All works shall be carried out under the supervision of the Secretary of the market committee or any member of the market committee duly authorised in his behalf by the Chairman.

53. *Permanent fund.*—(1) The surplus amount of the market committee fund, at the close of each market year, shall be credited to the permanent fund of the committee within three months of the close of the year and it shall be used only towards incurring the expenses of a permanent nature such as the construction of buildings, acquisition, or purchase of sites or for such other purpose as the Director may specify.

(2) The market committee may invest or deposit its surplus funds—

- (a) in the Government savings bank; or
- (b) with any bank or person carrying on the business of banking approved by the Director; or
- (c) in National Savings Bonds or Certificates; or
- (d) in any of the securities specified in section 20 of the Indian Trust Act, 1882.

Provided that no investment shall be made on the mortgage of immovable property. Any amount so invested including the interest thereon should be withdrawn after the approval of the Director.

54. *Annual Report*.—At the end of each market year, the market committee shall prepare an annual report and submit copies of it to the Director and to such other officer as may be appointed by the Director.

55. *Accounts, Audit and Inspection*—(1) The accounts and records of a market committee shall be kept in such manner as the Government may direct.

(2) The accounts of a market committee shall be subject to audit as the Government may prescribe.

(3) At the time of audit, the Secretary or any other person authorised in this behalf shall cause to be produced all accounts registers, documents and other relevant papers which may be called for by the audit officer for the purposes of the Audit. Any explanation called for by such officer for the settlement of any discrepancy shall also be immediately furnished to him.

(4) The audit memoranda may be inspected by the members of the market committee, traders, licence holders or the public free of charge in the office of the Director or at any other place specified by the Director and certified copy thereof may be obtained by any person from the said office on payment of a fee of Rs. 0.25 nP. per folio.

PART V

Market Yard and Market Proper

56. *Declaration of market yard and market proper*.—Government may by notification in the Official Gazette, declare—

(a) any enclosure, building or locality in any market area to be a market yard,

(b) any area, including all land with the buildings thereon, within such distance of the market yard, as it thinks fit, to be a market proper :

Provided that a market proper so declared shall include industrial concerns in the said area with their compounds, godowns and ware houses, where the agricultural produce is stored.

57. *Control and conservancy of the market yard*—(1) The market committee shall maintain one or more market yards as may be declared under the preceding rule. Subject to these rules and to the general or special orders of the Government and to such controls as by these rules or by any other law vested in the Collector or Director or in the municipality, or the district local board, or the Gram Panchayat, the market committee shall manage market yards in the best interest of the trade having regard always to the convenience of the trade in agricultural produce and the purposes for which the control is vested in the market committee. The market yard shall be opened for

trading at such hours as the market committee may from time to time fix. Carts or consignments or trucks of agricultural produce intended for sale shall be assembled in the market yard in such manner and at such times as may be permitted, and ingress and egress may be permitted, to such persons and at such times as the market committee may consider proper.

(2) In the market proper and market area, the market committee shall exercise only such rights as may be necessary for the convenient control of the market and for the convenience and comfort of the persons using the market and for collection of the fees, in accordance with the provisions in the bye-laws.

(3) (a) The market committee may require the owner or manager of any industrial concern located within the market area to furnish such information in respect of all the agricultural produce for which the market is established and which is handled or used by the industrial concern, as the committee may think necessary for the purposes of the control of the market.

(b) Any owner or manager so required to furnish information shall be entitled to appeal against such requisition within one fortnight from the date of the requisition to the Director whose decision in the matter shall be final.

PART VI

Cess and Fees Levy and Collection

58. *Market Cess.*—(1) A market committee shall levy and collect cess on agricultural produce bought and sold in the market at such rates as may be specified in the bye-laws of the committee so however that the amount of cess levied as aforesaid does not exceed two rupees per head of cattle, sheep or goat and 0.50 nP. at the maximum for every Rs. 100/- worth of any other agricultural produce.

Explanation.—(a) For the purpose of this rule a sale of agricultural produce shall be deemed to have taken place in a market if it has been weighted or measured or surveyed by a licensed weighman, measurer or surveyor in the market for the purpose of sale, notwithstanding the fact that the property in the agricultural produce has by reason of such sale, passed to a person in a place outside the market.

(b) Further for the purpose of this rule, all notified agricultural produce taken out or proposed to be taken out of the market shall, unless the contrary is proved, be presumed to be bought and sold within such market.

(2) The cess levied as per sub-rule (1) shall not be levied more than once on agricultural produce bought or sold in the market.

(3) The market committee shall also levy and collect licence fee from traders, brokers, weighmen, measurers, surveyors, warehousemen and other persons operating in the market as provided in the bye-laws.

(4) No cess shall be levied on agriculture produce brought from outside the market into the market for use therein by the industrial concerns situated in the market or for export and in respect of which a declaration has been made and a certificate has been obtained in Form-V :

Provided that if such agricultural produce brought into the market for export is not exported or removed therefrom before the expiry of twenty days from the date on which it was so brought, the market committee shall levy and collect cess on such agricultural produce from the person bringing the produce into the market at such rates as may be specified in the bye-laws:

Provided further that if the industrial concerns that brought the agricultural produce from outside the market into the market for the purpose of use by them, and who do not make any declaration and do not obtain a certificate in Form-V as prescribed above, shall be deemed to be responsible for the contravention of this rule, and shall, on conviction be punished under sub-section (3) of section 36 of the Act with a fine which may extend to Rupees two hundred.

(5) The seller who is himself the producer of the Agricultural produce offered for sale and the buyer who buys such produce for his own private and/or household use, shall be exempted from payment of any cess under this rule.

59. *Recovery of Cess & Fees.*—(1) The cess on agricultural produce shall be payable as soon as it is bought and sold in the market as may be specified in the bye-laws.

(2) The cess referred to in sub-rule (1) of rule 58 shall be paid by the purchaser of the notified agricultural produce concerned :

Provided that where the purchaser of a notified agricultural produce cannot be identified, the cess shall be paid by the seller.

(3) (a) At any time, when so required by any officer or servant of market committee the driver or any other person in charge of any vehicle, boat or other conveyance, shall not remove such vehicle, boat or other conveyance, as the case may be, and kept it stationary as long as may reasonably be necessary, and allow the officer, or servant empowered as aforesaid to examine the contents in vehicle, boat or other conveyance and inspect all records relating to the notified agricultural produce carried, which are in possession of such driver or other person—

in-charge, who shall, if so required, give his name and address and name and address of the owner of the vehicle, or other conveyance.

(b) The officer or servant of the market committee empowered as aforesaid shall keep any notified agricultural produce stationary which is taken or proposed to be taken out of the market in any vehicle, boat or other conveyance, if such officer, or servant has reason to believe that any cess, fee or other amount due under this Act and rules in respect of such notified agricultural produce has not been paid; he shall allow the produce to be taken out after making enquiry, and shall report the matter to the market committee, which will proceed to take action against the concerned licenced trader or broker or any other such licenced functionary who has tried to evade the market cess. Such a trader or broker or licenced functionary shall be punished as prescribed under rule 63.

(4) The licence fees shall be paid along with the application for licence but in case the market committee refuses the grant of a licence, the fees recovered shall be refunded to the applicant.

(5) The market committee may levy a subscription for collecting and disseminating among the subscribers, information as to any matter relating to statistics or marketing in respect of the notified agricultural produce.

60. *Receipt.*—(1) The market committee shall maintain a register showing the cess and the fees collected by it. A receipt duly signed by the person authorised by the market committee shall be granted to every person in respect of cess and fees collected from him under these rules or the bye-laws.

(2) Every person authorised by the market committee to collect cess shall pass receipts to the payees, keeping counterfoils of the receipt so granted and shall render account of all receipts at least once a day to the person duly authorised in this behalf by the market committee.

61. *Collection of Cess.*—The mode of collection of cess shall be prescribed by the market committee in the bye-laws.

62. *Security.*—The market committee shall take such security as it thinks fit, from its employees who are entrusted with the handling of money.

63. *Penalty for evasion or non-payment of cess.*—Any person removing or attempting to remove agricultural produce from the principal market yard or sub-market yard or market proper, as the case may be, before the cess has been paid and the receipt prepared and granted shall on conviction be punished under

sub-section (3) of section 36 with fine which may extend to two hundred rupees.

PART VII

Sales and Trading in market

64. *Sale of Agricultural Produce.*—(1) All the notified agricultural produce brought into the market or produced or processed in the market proper except such quantity for retail sale or consumption as may be prescribed in the bye-laws, shall pass through the principal market yard or sub-market yard or yards and shall not be sold at any other place within the market proper.

Explanation.—For the purpose of this rule, processed agricultural produce shall include all the notified agricultural produce processed in the market but not a manufactured produce.

(2) Such details of all notified agricultural produce resold in the market area shall also be reported to the market committee in accordance with the provisions of the bye-laws.

(3) The price of agricultural produce brought into the market for sale shall be settled by open auction and not by secret signs and no deductions shall be made from the agreed price of the consignment except for any authorised trade allowance :

Provided that the Director, if he deems fit, may permit the system of sale by open Agreement at the market yard :

Provided further that the open auction system will not apply to the resale of the notified agricultural produce which had already been brought in the market yard.

(4) Any person who contravenes the provisions of sub-rule (2) or (3) shall on conviction be punishable under sub-section (3) of section 36 with a fine which may extend to Rs. 200/-

65. *Accounts of sales to be maintained.*—The market committee shall maintain a record in which regular and proper accounts of each consignment of the agricultural produce brought in for sale in the market shall be kept.

Explanation —For the purpose of this rule entries collectively relating to more than one consignment shall not be deemed to be a proper and regular account of consignment.

66. *Agreement to be executed between buyer and seller.*—

(1) Every purchaser of agricultural produce shall sign an agreement in triplicate in Form-VI in favour of the seller as soon as any transaction is effected. One copy of the agreement shall be kept by the purchaser, one copy shall be supplied to the seller or his agent and the third copy shall be kept on the record of the market committee. Printed forms of agreement shall be

supplied by the market committee at such price as may be specified in the bye-laws.

(2) Nothing in this rule shall apply to the purchasers of agricultural produce for their own private and/or household use. The purchase by such purchasers shall be subject to such conditions as may be specified in the bye-laws.

67. *Publication of Prices.*—(1) The market committee shall as far as practicable place at the disposal of those using the market information on such matters as the prices of the important crops ruling at the principal marketing centres of the State. The information shall be published in such a manner as will be readily available to all persons using the market.

(2) The market committee shall be responsible for furnishing market intelligence as may be directed by the Director.

68. *Penalty for disobedience of orders of committee.*—(1) No person shall—

(a) enter a principal market yard or sub-market yard in contravention of a direction given by a servant or a member of the market committee ;

(b) disobey any of the directions of the market committee in regard to the places where carts laden with agricultural produce may stand or loads of agricultural produce may be exposed or in regard to the road by which or in regard to the times at which they may proceed.

(2) Any person contravening or disobeying any of the directions referred to in sub-rule (1) shall, on conviction be punishable with fine which may extend to Rs. 10/- for the first offence and to Rs. 50/- for any subsequent offence.

69. *Licensed Traders and 'A' class brokers.*—(1) No person shall do business as a trader or an 'A' class broker in agricultural produce except under a licence granted by the market committee under this rule.

(2) Any person desiring to hold such licence shall make a written application for a licence to the market committee and shall pay such a fee as may be specified in the bye-laws subject to the maximum of Rs. 100.

(3) On receipt of such application together with the proper amount of the fee the market committee may, after making such enquiries as may be considered necessary for the efficient conduct of the market grant him the licence applied for. On the grant of such licence the applicant shall execute an agreement in such form as the market committee may determine in accordance with the rules and bye-laws and such other conditions as may be laid down by the market committee for holding the licence.

(4) Notwithstanding anything contained in sub-rule (3), the market committee may refuse to grant a licence to any person, who in its opinion, is not solvent or in the case of renewal of licence whose operations in the market area are not likely to further efficient working of a market under the control of the market committee or who directly or indirectly participated in strikes and boycotts.

(5) The licence shall remain in force from the date on which it is granted until the 31st of March following and may be renewed for each succeeding year on a written application and after such enquiries as are referred to in sub-rule (3), as may be considered necessary and on payment of fees specified in the bye-laws.

(6) The names of all such traders and 'A' class brokers shall be entered in a register to be maintained for the purpose.

(7) Whoever does business as a trader or an 'A' class broker in agricultural produce in any market without a licence granted under this rule or otherwise contravenes any of the provisions of this rule shall on conviction be punishable with fine, which may extend to Rs. 200/- and in case of a continued contravention with a further fine which may extend to Rs 50/- for every day during which the contravention continues after the date of the first conviction.

70. *Powers of the market committee to suspend or cancel the licence granted to traders and 'A' class brokers.*—The market committee may, by a resolution passed by a majority consisting of not less than two-third of its members present, cancel or suspend for a fixed period, upto a maximum of one year the licence granted to any trader or 'A' class broker, if he contravenes any of the conditions of his agreement or licence or of the rules or bye-laws or who, in the opinion of the market committee, is not solvent :

Provided that no order cancelling a licence or suspending it for a period of more than six months shall be passed without the previous approval of the Director.

71. *Procedure to be adopted before taking a decision to cancel or suspend a licence.*—(1) The Secretary of the committee shall first enquire into the matter and submit his report to the committee.

(2) The Committee shall on the basis of the Secretary's report frame a charge sheet.

(3) The Chairman shall then call upon the person concerned to submit his explanation within a week.

(4) If the person concerned fails to submit his explanation within the aforesaid time of a week giving reasons for his

misconduct or producing evidence in support of the denial of an alleged offence, the view that a *prima facie* case has been established should be accepted.

(5) The market committee shall take the decision regarding cancellation or suspension of a licence on the basis of Secretary's report the charge-sheet and the explanation of the person who is alleged to have committed the offence and record the reasons of cancelling or suspending the licence.

72. *Licensed 'B' class brokers, weighmen, measurers, surveyors, warehousemen and such other operators as may be determined by the Director.*—(1) No person shall do business as 'B' class broker or weighman or measurer or surveyor warehouseman or operator in any other manner in any market area except under a licence granted by the market committee.

(2) Any person desiring to hold such licence shall make written application for a licence to the market committee and shall pay such a fee as may be specified in the bye-laws, subject to the maximum of Rs. 40/- if he is a 'B' class broker; Rs 15/- if he is a warehouseman, Rs. 10/- if he is a weighman, surveyor, measurer or any other operator.

(3) On receipt of such application together with the proper amount of the fixed fee the market committee may after making the following enquiries grant him the licence applied for—

(i) on obtaining a solvency certificate;

(ii) on obtaining cash security or bank or third person's guarantee;

(iii) on considering the conduct of person;

(iv) on considering the work done in the market area in case of the person whose licence is to be renewed. On the grant of such licence, the applicant shall sign an agreement in such form as the market committee may determine, in accordance with the rules and bye-laws and on such conditions as may be laid down by the committee for holding the licence.

(4) Notwithstanding anything contained in sub-rule (3), the committee may refuse to grant a licence to any person who in its opinion, is not solvent or in the case of a renewal of licence, if the conduct of the person is found to be detrimental to the efficient functioning of the market, or if the person has not worked in the market area for more than a week without a valid reason or who had directly or indirectly participated in strikes or boycotts.

(5) The licence shall remain in force from the date on which it is granted till 31st of March following and may be renewed for each succeeding year thereafter on a written application and

after such enquiries as are referred to in sub-rule (3), as may be considered necessary and on payment of fees prescribed in the bye-laws.

(6) The market committee, may, by a resolution cancel or suspend licence granted to any 'B' class broker, weighman, measurer or surveyor or warehouseman if he contravenes any of the conditions of his agreement, of licence or of the provisions of rules or bye-laws or if in the opinion of the market committee his continuance as a licence-holder is likely to be detrimental to the working of the market :

Provided that no order cancelling the licence or suspending it for a period exceeding six months shall be passed without the previous approval of the Director.

73. Refusal, cancellation or suspension of licence to be communicated to persons concerned.—(1) Whenever a market committee—

(a) refuses to grant a licence under sub rule (4) of rule 69 or of rule 72; or

(b) cancels or suspends a licence under rule 70 or sub-rule (6) of rule 72; the market committee shall communicate its decision or order, as the case may be, to the person concerned—

(i) by delivering or tendering to him personally a copy of such decision or order, as the case may be, or

(ii) by sending the same to him by registered post.

(2) Such decision or order as the case may be, shall be deemed to have been communicated to the person concerned on the date on which a copy of it was delivered, or tendered, to him personally or sent to him by registered post as required by sub-rule (1).

74. Appeal against refusal, cancellation or suspension of licence.—(1) Any person aggrieved—

(a) by the decision of a market committee refusing to grant a licence under sub-rule (4) of rule 69 or of rule 72; or

(b) by order of market committee cancelling or suspending a licence under rule 70 or sub-rule (6) of rule 72;

may appeal to the Director or any officer authorised by him in this behalf :

Provided that any such appeal shall be made within 30 days from the date on which such decision or order, as the case may be, was communicated to him :

Provided further that the decision of the market committee shall remain in force till orders in the appeal are passed by the Director or the authorised officer.

(2). The order passed by the Director or the authorised officer as the case may be, in the appeal shall be final.

75. Charges for brokerage, weighing, measuring and surveying.—The fee payable to a licenced broker, weighman, measurer or surveyor in respect of his services shall be such as may be specified in the bye-laws.

76. Keeping of books by trader, broker, weighman, measurer and surveyor etc.—Every trader, broker, weighman, measurer and surveyor and such other operator as may be determined by the Director, licenced under these rules shall keep such books in such form and render such periodical returns and at such time and in such form as the market committee may from time to time direct and shall render such assistance in the collection and prevention of the evasion of fees due under these rules and bye-laws and in the prevention of the breach of the rules and bye-laws as may be required by the market committee.

77. Equipment for weighmen, measurers and surveyors.—Every weighman, measurer and surveyor shall possess such equipment as may be laid down in the bye-laws.

78. Employing a broker or surveyor.—No person shall in the absence of an express agreement, be bound to employ a broker, or a surveyor in any transaction or be required to pay for any broker or surveyor employed by any other party to a transaction or when none is employed.

78-A. Prohibition of brokers from acting on behalf of both the Buyer and Seller.—(1) No licenced broker shall act on behalf of both the buyer and the seller of agricultural produce in any transaction, and shall also not act as a buyer or seller in any such transaction.

(2) Any licenced broker who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

79. Licenced weighman or measurer to wear a badge.—Every licenced weighman or measurer when plying his trade shall wear a distinguishing badge of a suitable pattern provided by the market committee. A deposit of not less than one and not more than five rupees to cover the cost of the badge shall be paid to the market committee by every licenced weighman or measurer.

80. Penalties for plying trade without licence or badge.—Any person working in the market as a broker, weighman or measurer or surveyor without a licence or any weighman or measurer plying his trade without the authorised badge shall, on conviction, be punishable with fine which may extend to Rs. 200/-.

81. *Broker etc., not to receive fees other than those specified for their services.*—No licenced broker or his servant, weighman, measurer and surveyor shall solicit or receive fees other than those specified for their services in the bye-laws. For contravention of the provisions of this rule their licence shall be liable to be cancelled forthwith or in the alternative the persons concerned shall, on conviction, be punished with fine which may extend to Rs. 200/-

82. *Trader or his servant not to solicit brokerage or weighing measuring or surveying charges.*—If any trader or his servant or agent solicits or receives any fee for brokerage or weighing, measuring or surveying charges, his licence shall be liable to be cancelled forthwith.

83. *Weighment or measuring by licenced weighmen or measurers.*—In the case of a sale or purchase of agricultural produce, all weighment and measuring shall be done by licenced weighmen and measurers.

84. *Penalties to licenced broker, surveyor, weighmen or measurers for demanding or receiving any sum, not authorised by rules or by-laws.*—Any licenced broker, weighman, measurer or surveyor who shall demand, receive or retain or shall permit any other person to demand, receive or retain on account or under the colour of, fees due in respect of his service, any sum not due under these rules or the bye-laws or a larger sum than is due under these rules or the bye-laws from a person who, is not liable to pay under these rules or bye-laws and any person who, not being a licenced broker, weighman, measurer, or surveyor, shall demand, receive, or retain or facilitate the demanding, receiving or retaining of such sums, shall on conviction, be punished with fine which may extend to Rs. 200/-

85. *The licenced trader or 'A' class broker to provide equipment for weighing and measuring.*—(1) The licenced trader or 'A' class broker shall provide or arrange to provide all such necessary authorised weights and measures and authorised weighing instruments at the time of taking delivery of agricultural produce sold in the market as may be specified in the bye-laws.

(2) No licenced trader or 'A' class brokers shall use weights and measures or weighing and measuring instruments other than authorised weights and measures or weighing and measuring instruments.

(3) Any licenced trader or 'A' class broker who commits a breach of the provisions of this rule shall be deemed to have violated the conditions of his licence.

86. *Weights and measures to be used in the market.*—No weight, measure or weighing or measuring instrument other than

an authorised weight, measure or weighing or measuring instrument shall be used in any market.

87. *Unit of price quotation to be used in the market.*—The unit of price quotation in every market shall be in terms of authorised weights and measures and shall be such as are approved by the Director or any officer authorised by him in this behalf.

88. *Inspection of scales, weights and measures.*—The Chairman, Secretary, every member of the market committee and every employee of the market committee authorised by the market committee in this behalf, shall be entitled at any time and without notice, to inspect, examine and compare any weight or measuring instrument, used, kept or possessed in any open place within the limits of the market.

89. *A set of standard weights and measures, weighing and measuring instruments to be near by the market committee.*—The market committee shall keep at least one set of such weights and measures and weighing and measuring instrument as are standard weights, measures and weighing instruments respectively under the Rajasthan Weights and Measures Act, and as are in use in the market area. Such standard weights, measures and weighing and measuring instruments shall be available to the public for inspection and checking at all reasonable hours.

90. *Counterbalancing in weighment.*—If any rope or gunny bag or any other article is used to tie bundles in the pan on the goods side of the scale, a weight equivalent to the weight of the rope or the gunny bag or of the article so used shall be added to the pan on the weight side of the scales in order to counterbalance the weight of the rope or of the gunny bag or of the article used for tying the bundles.

91. *Weighment on a weigh-bridge.*—Where the funds at its disposal permit, the market committee may, and if required by Government, shall erect one or more weigh-bridges in the market and shall be responsible for keeping the same in proper working order. Any buyer or seller may at his option have his produce weighed on it on payment of the fees fixed under the bye-laws.

92. *Manner and place of weighment or measurement.*—Weighment or measurement of the agricultural produce brought and sold in the market yard shall be done in such manner and at such place or places as may be provided in the bye-laws made by the market committee in this behalf.

93. *Inspection of weights and measures and weighing and measuring instruments.*—(1) All weights and measures and weighing or measuring instruments which are in use in the market shall

be verified and stamped by the Inspector appointed under the Rajasthan Weights and Measures Act (hereinafter referred to as the 'Inspector of Weights and Measures'), within whose jurisdiction the market is situated in accordance with the provisions of the said Act and the rules made thereunder.

(2) Every licenced trader, 'A' class broker, weighman, or measurer shall on requisition in writing being made to him by the Chairman or the Secretary of the market committee, immediately produce for examination all and every scale and weight and measure used, kept, or possessed by him, or by any person or persons under his authority or control and shall allow the Chairman or Secretary to inspect, examine and compare the same.

(3) On a requisition by the Chairman or Secretary to the market committee, the Inspector of Weights and Measures, in whose jurisdiction the market is situated shall carry out the inspection and testing of weights, measures and weighing or measuring instruments in use in the market and shall take such action as is consistent with the provisions of the Rajasthan Weights and Measures Act and the rules made thereunder.

94. *Report regarding unauthorised weights and measures and weighing and measuring instruments.*—If in the absence of an Inspector of Weights and Measures, any weights or measures or weighing or measuring instrument is, on examination reasonable suspected to be unauthorised, a report shall forth with be made by the Chairman of the market committee in writing to the Inspector of Weights and Measures, who shall thereupon proceed in accordance with the provisions of the Rajasthan Weights and Measures Act and the rule made thereunder.

95. *Penalty for disobedience of order to produce weights or measures or weighing or measuring instruments for examination.*—Whoever being bound under the provisions of rule 93 to produce any weights or measures and weighing, and measuring instruments for examination or allow the examination, inspection, or comparison of any weight or measure or weighing or measuring instrument, does not produce the weights or measures or weighing or measuring instrument or does not allow the examination, inspection for comparison of any weight or measure or weighing or measuring instrument shall, on conviction, be punished with fine which may be extended to Rs. 200/.

96. *Storing of agricultural produce.*—All agricultural produce brought into a market shall be stored at such places as may be specified in the bye-laws. Pending such arrangements, the agricultural produce brought into the market when unsold may be stored in the compounds, godowns and warehouses owned

or hired by the licenced broker for that purpose. The goods so stored shall be weighed in the presence of the seller or his representative at the time of delivery for storing and acknowledgment indicating the kind and weight of goods shall be given by the licenced broker to the seller. Such storing of agricultural produce shall be subject to the payment of such storage fee and such other conditions as may be specified in the bye-laws.

97. *Regulation of advances to agriculturists.*—A licenced broker may give advance either in cash or in kind to agriculturists, but such advances shall be made subject to the following conditions:—

(1) If any agreement is entered into between the lender and the borrower, the lender shall supply a copy of the agreement to the borrower.

(2) When the advances are given from time to time, an account book of the advances given, and repayments made shall be kept in the manner laid down in the bye-laws. The lender shall give a copy of such account book to the borrower and enter and attest with his signature every individual transaction of lending and recovery in the copy of the account book so given.

98. *Prevention of adulteration of agricultural produce.*—It shall be the duty of the market committee to take all possible steps to prevent the adulteration of agricultural produce in the market and no person doing business in the market shall cause adulteration of agricultural produce in such market.

Explanation.—For the purposes of this rule adulteration of agricultural produce shall include the mixing of last pickings of cotton or inferior variety of Agricultural produce with superior variety of Agricultural produce, bold linseed with small linseed, ghee with vegetable ghee and mixing of earth, dirt and stones or any other extraneous matter with any agricultural produce.

99. *The grading and standardisation of the agricultural produce.*—(1) The market committee shall maintain for the use of sellers and buyers a set of samples of standard grades of agricultural produce sold at the market and shall renew the same as may be necessary from time to time. The market committee shall also arrange to keep and exhibit samples of different grades of agricultural produce with indications of parity prices based on rates prevailing in terminal and key markets for the information of sellers and buyers.

(2) The market committee—

(i) may carry out the work of grading of agricultural produce; or

- (ii) may carry out or supervise the ginning and pressing of pure varieties of cotton brought into the market.
- (3)(i) The fee to be charged for carrying out the work of grading of agricultural produce shall not exceed the maximum specified in the bye-laws.
- (ii) the fees to be charged for carrying out or supervising the ginning and pressing of pure varieties of cotton shall not exceed the maximum specified in the bye-laws.

100. *Keeping of price list.*—The market committee shall maintain daily lists of prices of different types and grades of agricultural produce in respect of which the market is established.

101. *Authority empowered to call meeting of market committee.*—On requisition from at least half of the number of members of the market committee or of his own motion, the Director or any person authorised by the Director, may, if he is satisfied about the urgency of the matter, call a special meeting of the market committee to consider matters of immediate importance for the working of the market.

102. *Special provisions when these rules come into force for the first time.*—Government may by notification in the official Gazette suspend during the first year of the establishment of the market in any market area the operation of any of the provisions of these rules for such period and to such extent as it thinks fit.

FORM No. 1

[See Rule 11 (1)]

Nomination Paper

1. Name of the constituency.
2. Full name of candidate.
3. Number of candidate in the list of voters.
4. Father's or Husband's name.
5. Age.
6. Sex.
7. Community.
8. Occupation and address.
9. Full name of proposer.
10. Number of proposer in the list of voters.
11. Signature of the proposer.
12. Full name of the seconder.
13. Number of the seconder in the list of voters.
14. Signature of the seconder.

Candidate's declaration

I declare that, I am willing to stand for election.

Signature of candidate.

Certificate of delivery by the Collector or other authorised person. Serial No.

This nomination paper was delivered to me by (person)
at (date and hour).

Signature of the Collector or other authorised person.

Instructions.—Nomination papers which are not presented to the Collector or authorised person before (hour) on the.....day of 19 , shall not be received.

FORM II

(See Rule No. 14)

List of nominations received on (date) for constituency.

1. Serial Number.
2. Name of the candidate.
3. Father's or husband's name.
4. Sex.
5. Community.
6. Occupation and address.
7. Name of the proposer.
8. Name of Secunder.

Note.—The nomination paper shall be taken up for scrutiny at a.m./p.m. the day of at (place).

Signature of the Collector or person authorised by him.

FORM III

[See Rule 17 (2)]

List of valid nominations

1. Serial Number.
2. Name of the candidate.
3. Sex.
4. Community.
5. Address.

Note.—The poll shall be taken between and at the polling stations already notified.

Signature of the Collector or person authorised by him.

FORM IV

Foil voting paper No.

Counterfoil

| | | | | |
|------------------|---------|-------------------|---------------------|--------------|
| Voting paper No. | S. No. | Candidate's name. | Candidate's symbol. | Voter's mark |
| | 1. | | | |
| | 2. | | | |
| | 3, etc. | | | |

Voter's No. on list of Voters.

Voter's signature or mark.

Please read this carefully before recording your vote(s).

1. You have vote(s).
2. Each vote is to be shown by cross mark 'x'.
3. Do not put more than Cross(es) in all.

You may give all your votes to one candidate or distribute them as you please.

FORM V

[See Rule 58 (4)]

Form of Declaration and Certificate

| Kind of agricultural produce | Carts and packages | Where bought | Name of seller | Through whom bought |
|------------------------------|--------------------|--------------|----------------|---------------------|
| 1 | 2 | 3 | 4 | 5 |

Name of the buyer or his agent

6

I hereby certify that the above-mentioned agricultural produce has been bought outside the limits of the market area and brought in the limits of the market for the purpose of

Date

Signature

FORM VI

[See Rule 66 (1)]

Form of Agreement

1. Name of seller and his village.
2. Name of general commission agent, if any.
3. Name of buyer or his agent.
4. Number of carts, packages and loads.

5. Kind of produce, quality.
6. Rate.
7. Place of delivery.

| Date | market Cess Rs. nP. | Ticket Number |
|------|------------------------|---------------|
|------|------------------------|---------------|

*Signature of Market Committee's
servant.*

I hereby agree that when the above-mentioned agricultural produce is un-loaded, if I refuse to take at the rate stated above, the matter shall be referred for arbitration in accordance with the provisions contained in rule 41 of the Rajasthan Agricultural Produce Markets Rules, 1963. I bind myself to accept the decision given in such arbitration under the said rule.

*Signature of the buyer or his
agent.*

[Agriculture (Cell V), Department Notification, dated 22-10-1963, published in Rajasthan Extraordinary Gazette, dated 6-2-1964, Part IV (Ga) pages 627-671].

AMENDMENTS

In the said Rules.—

in Part VII—

- (i) in Rule 69 (1) (Licensed Traders 'A' Class Brokers) the words "Subject to the provision of section 4 and section 14 of the Act", shall be inserted in the beginning;
- (ii) in Rule 72 (1) (Licensed 'B' Class Brokers, Weighmen, Measurers, Surveyers, Warehouse-men and such other Operators as may be determined by the Director), the words "Subject to the provision of section 4 and section 14 of the Act", shall be inserted in the beginning.

[Published in Rajasthan Gazette-Part IV (Ga)- dated 16-11-1964.]

AMENDMENTS

In the said Rules,—

1. In rule 6, Pt. II, clause (b) for the words "all persons", substitute the words "all traders".
2. For sub-rule (1) of rule 66 the following shall be substituted,—

"Maintenance of auction register and execution of agreement between buyer and seller.—(1)The Market Committee shall keep an auction register in form IX in which the entries of all the Transactions shall be made. As soon as any auction transaction is effected the purchaser shall sign against the relevant entries in the register and he shall be bound to take delivery of the produce at the rates mentioned in the register:

Provided that where a sale takes place by open agreement under rule 64 (3) every purchaser of the agricultural produce shall sign the agreement slip in triplicate in form VI in favour of the seller as soon as any transaction is effected. One copy of this slip shall be kept by the purchaser, the second will be supplied to the seller, and the third will be sent to the market committee."

3. In rule 69,—
 - (a) in sub-rule (2) for the words "make a written application", the words "make an application in form VI" shall be substituted.
 - (b) in sub-rule (3),—
 - (i) for the words "applied for", the words "in form VII and subject to the conditions specified therein" shall be substituted; and

- (ii) the expression "On the grant of such licence the applicant shall execute an agreement in such form as the Market Committee may determine in accordance with the rules and byc-laws and such other conditions as may be laid down by the Market Committee for holding the licence" shall be omitted;
- (c) in sub-rule (4),—
 - (i) for the words "who in its opinion is not solvent," the words "who has been declared insolvent by a competent court" shall be substituted; and
 - (ii) the words "or who directly or indirectly participated in strikes and boycotts" shall be omitted.
- 4. In rule 72,—
 - (a) In sub-rule (2) for the words "make a written application" the words "make an application in form VII" shall be substituted;
 - (b) In sub-rule (3),—
 - (i) for the words "applide for", the words "in form VIII and subject to the conditions specified therein" shall be substituted;
 - (ii) in clause (iv) the words "On the grant of such licence the applicant shall execute an agreement in such form as the market committee may determine in accordance with the rules and bye-laws and such other conditions as may be laid down by the market committee for holding the licence" shall be omitted;
 - (c) In sub-rule (4),—
 - (i) for the words "who in its opinion is not solvent", the words "who has been declared insolvent by a competent court", shall be substituted; and
 - (ii) the words "or who had directly or indirectly participated in strikes and boycotts" shall be omitted;
 - (d) In sub-rule (6), after the word "warehouseman" the words "or any other person operating in the market" shall be inserted.
- 5 After form VI, the following form shall be added:—

FORM VII

Application for grant/renewal of licence.

(See Rules 69 and 72 of Rajasthan Agricultural Produce Markets Rules, 1963).

To

The Secretary,
Krishi Upaj Mandi Samiti,

Sir,

I/We———resident of———Tehsil———
District———present this application for grant/renewal
of licence to operate in the market and give the following
Particulars:

1. Permanent address:—
2. Local address.
3. (A) Names and addresses of my/our representatives/
Assistants, not more than two, who will operate on
my/our behalf in the market:—

(i)

(ii)

(iii)

(iv)

- (B) Names with addresses of the partners of my/our
firm:—

(i)

(ii)

(iii)

(iv)

I/We submit herewith the licence fee of Rs.———for oper-
ating in the market for the year ending 31st March,———.

The licence for operating in the market may, therefore,
kindly be granted and issued to me/us. I/We, hereby agree to
abide by the terms and conditions of the licence.

Date

Signature of the applicant.

(Note:—In case of a Firm, the Managing partner should
sign for the applicant.)

FOR OFFICE USE ONLY

Received Rs.———on a/c of licence———of———
(category) vide Receipt No.———dated———.

Signature of the Cashier,

6. After form VII the following form shall be added:—

FORM No VIII

Licence

(Granted under Rule 69/72 of the Rajasthan Agricultural Produce Market Rules, 1963).

Licence No. —————

Dated —————

This licence is hereby granted to M/s ————— (name) ————— (address) on the terms and conditions mentioned hereunder, under rule 69/72 of the Rajasthan Agricultural Produce Markets Rules, 1963 to do business in agricultural produce as a trader/an A Class broker/B Class broker/Weighman/Measurer/Surveyor/Warehouseman, Operator, in the Market —————.

This licence is valid upto 31st March, ———— 196 and is non transferable.

The following assistants/representatives shall function on behalf of the licensee: —

| s. No. | Name | Father's Name | Address. |
|--------|------|---------------|----------|
| 1. | | | |
| 2 | | | |

Seal of the Krishi Upaj Mandi Samiti.

*Secretary/Chairman,
Krishi Upaj Mandi Samiti.*

Terms and Conditions of licence.

(1) The licensee shall comply with the provisions of the Rajasthan Agricultural Produce Markets Act, 1961, and Rules and bye-laws framed thereunder and instructions issued from time to time. He shall surrender his licence on demand to the Chairman or any other officer authorised by him in this behalf against a receipt to be given to the licence in this connection.

(2) The licensee shall not adulterate or cause to adulterate any agricultural produce.

(3) The licensee shall be responsible for the acts of his assistants or agents.

(4) The licensee if he is a trader or 'A' Class broker shall issue sale slips, keep records of agricultural produce bought and sold and shall furnish statements of stocks, arrivals and despatches every month to the Market Committee in the manner specified in the bye-laws.

(5) The licensee if he is a trader or 'A' Class broker, shall pay the price to the seller of agricultural produce the same day, if the produce is bought or sold through his agency or by him.

(6) The licensee shall inform the Market Committee any change in the partnership of his firm within a week of the change.

(7) The licensee shall display his licence at a conspicuous place in his business premises.

(8) The licensee, if he is a 'B' Class broker, weighman, surveyor or measurer or any other operator, shall not be the servant of any trader or 'A' Class broker and shall act impartially in the best interest of the sellers and the buyers.

FORM No. IX

Auction Register

| 1 | 2 | 3 | 4 |
|----------------------|---|----------------------------|------------------------------------|
| Date | Name of Kaccha Arthiya | Name and address of seller | Description of produce |
| 5 | 6 | 7 | 8 |
| Approximate quantity | Rate at which the produce has been sold | Name of buyer | Signatures of Kaccha Arthiya buyer |

Rules and Notifications under

AGRICULTURAL RENTS CONTROL ACT 1952
THE RAJASTHAN (NO. XIX OF 1952).

Rules and Notifications under

**RAJASTHAN AGRICULTURAL UNIVERSITY
(AMENDMENT) ACT, 1963,**

Rules and Notifications under

AJMER ABOLITION OF INTERMEDIARIES AND LAND
REFORMS ACT, 1955.

The Ajmer Abolition of Intermediaries and Land Reforms (Pension to Intermediaries, Employees) Rules, 1962.

NOTIFICATION

No. Flg/(53) Rev/A/61

Dated Feb, 1963.

In exercise of the powers conferred by clause (KK) of sub-section (2) of Section 84 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955, the Government of Rajasthan is pleased to make the following rules for the grant of pension to the employees of Intermediaries of Ajmer district.

(Framed under Section 84 (2) (kk) of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955).

1. *Title and commencement.*—These rules may be called the Ajmer Abolition of Intermediaries and Land Reforms (Pensions to Intermediaries' Employees) Rules 1962.

2. *Definition.* -In these rules unless there is anything repugnant in the context,—

(i) "Intermediaries, employee" means a person in the permanent whole time service of the estate on a post pertaining to the administration of the estate and public services connected with it whether employed by an intermediary or by the court of wards but shall not include a person employed for the intermediary's private or personal affairs.

Explanation.—(1) Persons employed for the supervision or upkeep of roads, buildings, gardens or other institutions of public utility taken over by the Government in consequence of the abolition of the estate are included in the term "intermediaries' employee."

(2) In case of dispute the Compensation Officer, Ajmer shall decide whether a person should be included in the term 'intermediaries' employee' or not, and his decision shall be final subject to revision by the Compensation Commissioner.

3. *Pension or Gratuity*—Where pension rules existed in an estate, pension or gratuity as the case may be will be granted on discharge to the extent due in accordance with such rules as if the intermediaries' employee concerned had been retired from the estate in consequence of the abolition of his post. Where

no specific rules existed but there was a well established practice in the estate for the grant of pension or other similar benefits, Government may consider the grant of pension or gratuity at a rate not exceeding that which would have been admissible had the intermediaries' employee been in the service of the recognised Rajasthan Government and discharged in consequence of abolition of post.

Explanation. (1) In case of dispute the Compensation Commissioner shall decide as to what exact rules or practice existed in an estate in this respect and his decision shall be final.

(2) The pension shall be granted with effect from the date of vesting of the estate.

4. *Contributory Provident Fund.*—Where an intermediaries' employee was under a scheme of Contributory Provident Fund and was not entitled to pension, no pension or gratuity will be paid for the period of his service with the intermediary. The Provident Fund account will be finalized and settled in accordance with rules relating to such fund.

5. *No pension or Gratuity in other Cases.*—No right to Pension or Gratuity or other retiring benefits shall be recognised in the case of persons not covered by rule 3, 4 & 9.

6. *Statement regarding pension.*—Statement for grant of pension under rule 3 shall be prepared by intermediaries' employees and submitted to the Compensation Officer, Ajmer who shall verify the service of the claimants in the manner prescribed for grant of pension to Government servants and forward them to the Compensation Commissioner.

7. *Transfer of service record.*—The Intermediary shall transfer to Government all service record including record of the accounts relating to intermediaries' employees and payment of their salaries, in order to enable the Departmental Officer concerned to verify particulars regarding their service in connection with the settlement of pension claims.

8. *Verification.*—After verification of service, the Compensation Commissioner shall send the pension statements, and other necessary documents to Government in Revenue Department. The Revenue Deptt shall send the pension case to the Accountant General and after his verification sanction pension according to rules.

9. *Continuance of pension already sanctioned by the intermediaries.*—Cases of pension sanctioned by the intermediary or other competent authority in an estate in accordance with a well recognised practice shall be examined by the Compensation Commissioner. A statement of such cases alongwith complete

information about the pensions shall be forwarded by the Compensation officer, Ajmer to the Compensation Commissioner. The Compensation Commissioner, if satisfied that the payment of pension is in accordance with a well recognised practice, shall issue orders for its payment or payment of a part thereof. The amount shall be determined by him after taking into consideration the nature of services of pensioner, except that the cases of those employees who held posts in an estate which were equivalent to a Gazetted post in erstwhile State of Ajmer shall be forwarded by the Compensation Commissioner to the Government for orders.

10. In cases of Intermediary pensioners & employees who were in receipt of pension in kind in part or whole in the form of 'Petiva', the petiva may be converted into cash amount for the purpose of calculating pension on the basis of rates of commodities as laid down below—

| | | | | |
|------------|-------------------|---------|---------|------------|
| Wheat | Barley | Gram | Bajra | Gojra |
| 12.75 n.P. | 8.62 n.P. | 9.00 | 9.00 | 10.69 n.P. |
| per md. | per md. | per md. | per md. | per md. |
| Bejhad | Millet | Jawar | Ghee | Fire wood |
| 8.69 n P. | 8.00 | 8.00 | 80.00 | 2.00 |
| per md. | per md. | per md. | per md. | per md. |
| Pulses | permaund. | | | |
| 9.90 | Species @ Rs. 1/— | | | |
| per md. | per month. | | | |

Provided that it is certified that according to the practice or the rules of the Intermediary concerned, the pensionary benefits were calculated on the basis of petia or that if pension was calculated without patia the patia was given in addition to the pension.

11. Procedure for the examination and continuance of pension granted by the intermediaries shall be observed as laid down in the Annexure 'A'.

ANNEXURE 'A'

(Procedure for the examination and continuance of pension granted by Intermediaries).

1. A—Pension granted by an Intermediary in accordance with a well established practice shall be examined by the Compensation Commissioner. Statement of such cases shall be forwarded by the Compensation Officer, Ajmer to the Compensation Commissioner in the enclosed proforma. The Compensation Commissioner may hold such a summary inquiry as he may consider proper and after satisfying himself that the payment of pension is in accordance with the well established practice and

that the grant is not in excess of the pensionary benefits which could be sanctioned in a particular case according to the pension rules of the Rajasthan Government, shall issue orders for its continuance except that the cases of those employees who held posts in an estate which were equivalent to Gazetted posts in the integrating State shall be forwarded by the Compensation Commissioner to the Government for orders. In case the pension granted by the Intermediary is in excess of the pensionary benefits that are admissible under the pension rules of the Rajasthan Government the pension should be reduced accordingly.

B—The well recognised practice relating to the grant of pension shall be investigated by the Compensation Officer on the basis of the record of the resumed estate, and his remarks will be forwarded to Compensation Commissioner who in case of suspicion will satisfy himself from the Office record of the Estate.

3. As regards the compassionate allowance granted to non-employees, bonafide allowances of small amount up to Rs. 10/- (ten) p.m. should be continued.

4. Orders sanctioning payment of pensions shall be forwarded to the Compensation Officer, Ajmer who shall forward them to the Accountant General, with necessary pension papers for issuing new pension payment orders.

2. Family pensions (or compassionate allowances) granted by an Intermediary to the survivors of intermediaries employees should ordinarily be continued for their life time and in case of widows they will be tenable till death or remarriage, if they are admissible according to the pension rules of the Rajasthan Government. Ordinarily a minor may be continued to be paid such pension till he attains majority and a widow for her life time or till her remarriage whichever is earlier if she had no major son.

2. A.—If any Intermediary had granted pension to any Class IV employee of his estate, or to any member of the family of such Intermediaries employees in the event of his death while in service, and such pension was justified according to the practice prevalent in that estate, such pensions may be continued even if the same may not be in accordance with the rules of the Rajasthan Government provided that the amount of such pension to be continued will not exceed Rs. 10/- p.m. even though the amount sanctioned by the Intermediary may be in excess of this amount.

2. AA.—If any person has been continuously drawing a pension from the estate for the past ten years or more, such pension should not be stopped or reduced even though such

pension may not be in accordance with the pension rules of the Rajasthan Government.

3. As regards the compassionate allowance granted to non-employees, bonafide allowances of small amounts upto Rs. 10/— (ten) P. M. should be continued.

4. Orders sanctioning payment of pensions shall be forwarded to the Compensation Officer, Ajmer who shall forward them to the Accountant General, with necessary pension papers for issuing new pension payment orders.

PROFORMA OF APPLICATION FOR CONTINUANCE OF PENSION/COMPASSIONATE ALLOWANCE

1. Name of the Applicant (In Block Letters)
2. Name of Father/Husband do
3. Race, Sex and Caste.
- *4. Total period of estate service.
 - (a) Date of joining services (Christian Ero)
 - (b) Date of ending service do
- *5. Last three years pay drawn and designation.
6. Amount of pension sanctioned by estate and date of its commencement.
7. Date of last payment of estate pension.
8. Amount of pension now proposed for continuance under Rajasthan Government.
9. The class of pension (whether it is a service pension, family pension or comp. allowance).
10. Place of payment (Block letters).
11. Date of birth of applicant in Christian Ero.
12. Height of the pensioner.
13. Marks of identification.
14. Permanent postal Address (Block letters).

* These informations are not required in case of continuance of compassionate allowance.

Compensation Officer
Ajmer

Notification under

AJMER ABOLITION OF INTERMEDIARIES AND LAND
REFORMS ACT, 1955

(*Rajasthan Gazette, Part IV (Ga) dated 22-8-1963-Revenue A-Department
Page 148*)

Notification No. Flg (31) Rev/A/63.—In exercise of the powers conferred by section 63 of the Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 (Ajmer Act III of 1955), the State Government hereby appoints the Jagir Commissioner, Rajasthan, Jaipur in virtue of his office as Ex-officio Compensation Commissioner, Ajmer for the purposes of the said Act.

Rules and Notifications under

**AJMER SHAMLAT COMMITTEES (DISSOLUTION)
ACT , 1963.**

The Ajmer Shamlat Committees (Dissolution) Rules, 1964.

Notification No. F. 6 (8) Rev. B/60 (ii).—In exercise of the powers conferred by sub-section (1) of section 7 of the *Ajmer Shamlat Committees (Dissolution) Act, 1963* (Rajasthan Act 22 of 1963), the State Government hereby makes the following Rules, namely:—

1. *Short title and commencement.*—These Rules may be called the *Ajmer Shamlat Committees (Dissolution) Rules, 1964*.

(2) They shall come into force on the appointed date.

2. *Interpretation.*—In these Rules, unless the context otherwise requires,—

(i) “Act” means the *Ajmer Shamlat Committees (Dissolution) Act, 1963*;

(ii) “Collector” means the Collector of Ajmer and includes the Additional Collector;

(iii) “Form” means a form appended to these Rules;

(iv) “Section” means a section of the Act; and

(v) “Shamlat Committee” means a Shamlat Committee as defined in clause (b) of section 2 of the Act and dissolved by section 3.

3. *Issue of proclamation by Collector and taken over of assets.*—(1) Immediately upon the issue of a notification under sub-section (2) of section 1 appointing the date for the commencement of the Act, the Collector shall issue a proclamation in Form I and cause the same to be published in the cities, towns or villages in which Shamlat Committees existed.

(2) Copies of the proclamation shall be pasted on the notice boards of the office of the Collector, and of the concerned Tehsil, Municipal Council or Municipal Board, and Gram Panchayat and the office of the Shamlat committee, if any. If the Collector so directs, the proclamation shall also be published by beat of drum in the cities, towns and villages concerned.

(3) The Collector shall simultaneously direct an Officer not below the rank of a Sub-Divisional Officer to take over the assets of the Shamlat Committees either himself or through an Officer nominated by him in this behalf and not below the rank of a Tehsildar.

4. *Statements of assets and liabilities.*—Immediately on the issue of a proclamation under rule 3, the Sub-Divisional Officer, or his nominee, shall take into his custody the movable and immovable property, cash, records and documents of the Shamlat Committees and shall prepare or cause to be prepared—

- (a) Complete statement, in Form II, of all lands, rights, title, interests, moneys, properties—movable and immovable—and other assets of the Shamlat Committees; and
- (b) A statement, in Form III, of the liabilities of the Shamlat Committees of the type mentioned in clause (ii) of sub-section (1) of section 4.

5. *Enquiry into assets and liabilities.*—(1) The Sub-Divisional Officer or his nominee may, on reasonable grounds, hold an enquiry to ascertain the correct assets and liabilities of the Shamlat Committees.

(2) Without prejudice to the provisions of sub-rule (1), the Collector may, on his own motion, direct the sub-Divisional Officer to conduct an enquiry into the correctness of the assets and liabilities of a Shamlat Committees.

6. *Recovery of dues.*—Any amount due to be paid to a Shamlat Committee and now payable to the Government by reason of section 4 shall be recoverable under section 256 of the Rajasthan Land Revenue Act, 1956 Rajasthan Act 15 of 1956).

7. *Collector's proposals for transfer of shamlat Committees' assets.*—To enable the State Government to issue the notification required by sub-section (2) of section 4, the Collector shall, immediately on the completion of action under rule 4, or on the completion of the enquiry under rule 5 submit to the State Government in the Revenue Department his proposals for the transfer of the assets and liabilities of the Shamlat Committees to such local authorities as may be specified therein and the terms and conditions upon which such assets and liabilities shall be so transferred.

8. *Discharge of employees of Shamlat Committees.*—(1) Any permanent employee of Government who was on deputation to a Shamlat Committee shall, with effect from the appointed date, revert to his substantive post under Government.

(2) The services of all other employees of Shamlat Committee shall stand terminated as from the appointed date

(3) An employee whose services are terminated under sub-rule (2) shall receive notice pay and retirement benefits

in accordance with such written conditions of service as as existed between him and the Shamlat Committee,

9. *Appeal*.—Any person aggrieved by the findings in an enquiry under rule 5 or any employee aggrieved by any order passed under sub-rule (3) of rule 8, within thirty days of the passing of the order, appeal to the Collector, and decision of the Collector on appeal shall be final:

Provided that the Collector may entertain an appeal after thirty days if he is satisfied that there were reasonable grounds for not filing the appeal within the prescribed period.

FORM I

(See Rule 3)

Proclamation.

I Collector of Ajmer, hereby proclaim for the information of all concerned that the Shamlat Committee of(name of Committee to be mentioned) stands dissolved with effect from the(date to be mentioned) under section 3 of the Ajmer Shamlat Committees (Dissolution) Act, 1963, and all lands rights, title, interests, moneys, properties—movable and immovable—and other assets of the said Shamlat Committee stand vested as from the date above mentioned in the State Government, and I as Collector of Ajmer have directed the Sub-divisional Officer of to take charge of the said properties; and so with effect from the date above mentioned any daes payable to the said Shamlat Committee shall be payable to the state Government and any payment made in contravention thereof shall not be valid discharge of the person liable to pay the same.

Issued under my hand and the seal of this Court this day of1964.

Seal

Signature of the Collector

FORM II

(See rule 4)

Statement of Assets of ... (name to be mentioned) Shamlat Committee.

| S. No. | Full details of The property | | Value | Remarks |
|--------|------------------------------|-----------|-------|---------|
| | Movable | Immovable | | |
| 1 | 2 | 3 | 4 | 5 |

Certified that I have taken over the above mentioned properties on behalf of the Collector of Ajmer and the State Government.

Signature of the Officer.

FORM III
(See rule 4)

Statement of Liabilities of.....(name to be mentioned)
Shamlat Committee.

| S. No. | Nature of Liability | Amount | Remarks |
|--------|---------------------|--------|---------|
| 1 | 2 | 3 | 4 |

Signature of Officer.

Notification under

AJMER SHAMLAT COMMITTEES (DISSOLUTION) ACT, 1963.

NOTIFICATION

Notification No. E. 6 (8) Rev./B/60(i)—In exercise of the powers conferred by sub section (2) of section 1 of the *Ajmer Shamlat Committees (Dissoluton) Act, 1963* (Rajasthan Act 22 of 1963), the State Government hereby appoints the fifteenth day of February, 1964, as the date on which the said Act shall come into force.

Revenue (B) Department Notifications dated 12-2-64 published in Rajasthan Gazette Extraordinary Part 4 (Ga) Page 1256 datcd 12.2.64.

Rules and Notifications under

ANCIENT MONUMENTS PRESERVATION ACT, 1904
(CENTRAL ACT NO.7 OF 1904).

**NOTIFICATIONS UNDER
THE ANCIENT MONUMENTS PRESERVATION ACT, 1904**

Published in Raj. Raj-patra Dated August 16, 1956 part I (b) at page 417 :

**HOME DEPARTMENT (A)
NOTIFICATION**

Jaipur, August 2, 1956

No. D. 5837/F. 3/20 (15) HA/53.—In exercise of the powers conferred by section 17 (1) read with section 2 (2) of the Ancient Monuments Preservation Act, 1904 (Central Act No. VII of 1904), as adapted to Rajasthan by the Rajasthan Adaptation of Central Laws Ordinance, 1950 (No IV of 1950), the Government of Rajasthan hereby orders that the three manuscripts of the Holy Quran which are described in the table below and which it considers necessary by reason of their historical and archaeological associations, to protect against injury, removal or dispersion shall not be removed out of the City of Jaipur to any other place in or outside Rajasthan without the permission of the Government.

TABLE.

Description.

1. First Volume leather bound measuring $23\frac{1}{2}$ inches in length, 13 inches in breadth and $3\frac{1}{2}$ inches in thickness containing artistically hand-written pages of Holy Quran and bearing the Seal of Maghul Emperor Shah Jahan. (Ex. III).
2. Second Volume cloth bound measuring 21 inches in length, 14, inches in breadth and $4\frac{1}{2}$ inches in thickness, in loose condition containing artistically handwritten pages of Holy Quran. (Ex. I).
3. Third Volume in loose condition measuring 12 inches in length, $7\frac{1}{2}$ inches in breadth and 2 inches in thickness containing artistically hand-written pages of Holy Quran (Ex. II)

By Order of

His Highness the Rajpramukh,
D. P. SHARMA,
Secretary to the Government.

Published in Raj. Raj-patra Dated August 29, 1957 part I (b) at page 281 :

**HOME (A) DEPARTMENT
NOTIFICATION**

Jaipur, August 13, 1957.

No. F, 3/20 (15) HA/53.—Whereas th Government of Rajasthan apprehends that the antiquities described in the schedule below are being sold or removed to the detriment of India and whereas by reason of their historical and archaeological associations and to protect the said antiquities against injury, removal or dispersal it considers necessary to prohibit the taking away thereof from out of the City of Jaipur,

Now, therefore, in exercise of the powers conferred by section 17 (1) read with section 2 (2) of the Ancient Monuments Preserva-

tion Act, 1904 (Central Act No. VII of 1904), as adapted to Rajasthan by the Rajasthan Adaptation of Central Laws Ordinance, 1950 (No. IV of 1950), the Government of Rajasthan hereby orders that the three manuscripts of the Holy Quran which are described in the Schedule below shall not be removed out of the municipal limits of the City of Jaipur by any person whomsoever.

This is in supersession of Home 'A' Department Notification No. D. 5837/F. 3/20/15/HA/53, dated the 2nd August, 1956.

THE SCHEDULE.

- | No. | Description. |
|-----|---|
| 1. | First Volume leather bound measuring 23½ inches in length 13 inches in breadth and 3½ inches in thickness containing artistically hand-written pages of Holy Quran and bearing the Seal of Moghul Emperor Shahjahan (Ex. III) |
| 2. | Second Volume; cloth bound measuring 21 inches in length 14 inches in breadth and 4½ inches in thickness, in loose condition containing artistically hand-written pages of Holy Quran (Ex. I). |
| 3. | Third Volume, in loose condition measuring 12 inches in length, 7½ inches in breadth and 2 inches in thickness containing artistically hand-written pages of Holy Quran (Ex. II). |

By Order of the Governor,
DURGA PRASHAD SHARMA,
Secretary to the Government.

Published in Raj. Raj-patra Dated October 10, 1957 part I (b) at page 531 :

EDUCATION 'B' DEPARTMENT NOTIFICATION

Jaipur, September 12, 1957

No. F. 6 (36) *Edu./B/56*.—In exercise of the powers conferred by subsection (1) of section 3 of the Ancient Monuments Preservation Act, 1904 of the Central Legislature as adapted to the pre-reorganisation State of Rajasthan, the Government of Rajasthan is pleased to declare the following ancient monuments in Udaipur circle to be protected monuments within the meaning and for the purpose of the said Act, namely:—

1. Ruins of the Pratap Palaces, near Fatehsagar, Udaipur.
2. Ancient temples, near Jawar Mines, Jawar.
3. 10th Century temple of Ambika, Jagat.
4. Chhatris of Raja Ram Sah of Gwalior and his son Salivahan. Village Khamnor.
5. Vishnu Temple, Khamnor.
6. Sun Temple at Dayrauli near Dabok.
7. Chhatri of Rana Pratap at Khejad.
8. Ruins associated with Rana Pratap, Chawand.
9. 10th Century temple of Lakulisa, Eklingji.
10. Vishnu Temple near the main temple of Eklingji
11. Ancient Mounds near Cenotaphs at Ahar.
12. Ancient Mound near the Shiv Temple a Kalyanpur.

By Order
S. P. SINGH BHANDARI,
Secretary to the Government.

Notifications under

ANCIENT MONUMENTS PRESERVATION ACT, 1904.

Published in Raj. Raj-patra part I (b) dated July 23, 1959 at page 214

Jaipur, July 6, 1959.

No. F. 6 (79) Edu/B/57—In exercise of the powers conferred by sub-section (1) of section 3 of the Ancient Monuments Preservation Act, 1904 as adapted to Rajasthan by the Rajasthan Adaptation of Central Laws Ordinance, 1950 (Ordinance No. 4 of 1950), the State Government hereby declares the Mardana Palaces at Udaipur to be protected monuments within the meaning of the said Act.

By Order of the Governor,
VISHNU DATTA SHARMA,
Secretary to the Government.

Rules and Notifications under

ANIMAL DISEASES ACT, 1959. THE RAJASTHAN
(NO. 5 OF 1959).

The Rajasthan Animal Diseases Rules, 1960.

Published in Rajasthan Raj-patra part IV (c) dated May 12, 1960 at page 25-28

Co-operative & animal Husbandry Department

NOTIFICATIONS

Jaipur, May 12, 1960

No. F. 15 (98) SCA/59.—In exercise of the powers conferred by section 37 of the Rajasthan Animal Diseases Act, 1959 (No. 5 of 1959), the State Government hereby makes the following rules, the same having been previously published, namely:—

Rules

1. *Title*.—These rules may be called the Rajasthan Animal Diseases Rules, 1960.

Notes

Section 37 of the Rajasthan Animal Diseases Act, 1959, on the authority of which these rules have been framed, reads as under:—

(1) The State Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power such rules may be made for all or any of the following matters, namely:—

(i) the manner of marking animals under sub-section (2), the period of detention under sub-section (3), the amount of fee for the vaccination and marking of animal under sub-section (4), and the form of permit under sub-section (5), of section 7;

(ii) the test to which an animal may be submitted under sub-section (1), and the manner in which an animal may be dealt with under sub-section (2), of section 10;

(iii) the authority to be prescribed for the purposes of sections 11, 12 and 13;

(iv) the periods at which and the manner in which the vessels and vehicles shall be cleansed and disinfected under section 16;

(v) for disinfecting land, building or other place or vessel or vehicle under section 17;

(vi) the making of post-mortem examination under section 18;

(vii) for regulating the powers of an Inspector under section 24;

(viii) the compulsory inoculation of any animals in any district or area;

(ix) the disinfection of contact animals or animals in infected area; and

(x) all matters which may be or are required by any provision of this Act to be prescribed.

2. *Definition*.—In these rules, unless there is anything repugnant in the subject or context 'section' means a section of the Rajasthan Animal Diseases Act, 1959.

3. *Marking of animals*.—All animals inspected, detained or vaccinated at a quarantine station under section 7, shall be liable to be marked by branding the letters 'DC' on the left hand quarter. The last two digits of the calendar year in which such marking is done shall also be branded after the letters 'DC'. A fee of ten naya paise per animal shall be payable for such marking.

4. *Period of detention*.—The period of detention of animals at a quarantine station for the purpose of inspection, vaccination

and marking under sub-section (3) of section 7 shall not exceed 7 days.

5. Feeding of animals during detention.—Whenever an animal is detained at a quarantine station under section 7, the person incharge of the animals shall make necessary arrangement for feeding the animal or in the alternative pay to the officer-in-charge of the quarantine station a fee of Re. 1/- per animal per diem to cover the cost of such feeding.

6. Permit at the time of release.—At the time of release of any animal from the quarantine station a permit in the form appended to these rules shall be issued under sub-section (5) of section 7 by the officer-in-charge of the quarantine station to the person in charge of the animal.

Notes

Sub-section(1)of section 7 of the Act requires the State Government to establish quarantine station for the inspection and detention of animals along the routes specified under sub-section (2) of section 5. All animals so inspected or detained shall be liable for--

(a) to be vaccinated against any scheduled disease if in the opinion of the officer in charge of such station it is necessary to do so, and

(b) to be marked in the prescribed manner.

Sub-sections (3), (4) and (5) of section 7 of the Act, reading as under, provide for the period, care and release of animals so detained or inspected:--

(3) The period of detention of animals at a quarantine station for the purpose of inspection, vaccination, and marking shall be such as may be prescribed.

(4) The animals detained at a quarantine station shall remain under the care of the person in charge who shall be responsible for their feeding and upkeep and for the payment of such fee for their vaccination and marking as may be prescribed.

(5) The officer in charge of the quarantine station shall, at the time of release of an animal from the station, grant in such form as may be prescribed a permit to the person in charge of the animal and such person shall, while in charge of the animal, produce it whenever required to do so by an Inspector or a Police Officer.

Rules 3, 4, 5 and 6 have been framed in pursuance of the requirements of section 7 of the Act.

7. Tests.—The test to which an animal may be subjected under sub-section (1) of section 10 shall be the Tuberculin test in the case of Tuberculosis or the Avain Tuberculin or Johnin test in the case of Johne's Disease or Mallein test in the case of Granders and Farcy and in the case of other scheduled diseases the animals shall be kept under observation. The Veterinary Surgeon may collect blood or any other material from any animal suspected to be diseased for the purpose of confirmation of his diagnosis.

8. Maintenance in Veterinary dispensary.—In the absence of a cattle pound in the vicinity, the Inspector shall, in cases falling under the proviso to clause (a) of sub-section (2) of section 10, send the animal to the nearest Veterinary Dispensary for maintenance for a period not exceeding fifteen days and make further attempts to find the person entitled to the possession of the animal. At the end of that period if such person is not found, it will be lawful for

the officer-in charge of the Veterinary Dispensary to sell the animal by auction and to credit the sale proceeds to Government after deducting therefrom the charges incurred on the maintenance of the animal.

9. *Segregation Destruction and Release.*—(1) Any animal certified under clause (b) of sub-section (2) of section 10 as affected with Rinderpest or Foot and Mouth Disease, Dourine and Surra shall be segregated, kept under observation and treated till it dies or is declared to be non-infective. In the case of Haemorrhagic Septicaemia, Black quarter, Anaerobiasis and Anthrax, the animal shall be segregated and kept under observation until it dies or is declared to be non-infective. In the case of Rabies, John's Disease, Epizootic Lymphangitis, Granders and African Horse sickness the animal shall be destroyed forthwith. In the case of tuberculosis, it shall be destroyed if it is suffering from open Tuberculosis; otherwise it shall be released after being branded on the neck with the letters 'DCT'. Destruction of an animal under this rule shall be arranged by the Officer-in-charge of the Police station nearest to the place of segregation.

(2) Without prejudice to the provisions of section 34, where an animal suffering from African Horse sickness is destroyed under sub-rule (1), the State Government may pay to the owner of such animal such compensation as it may think fit.

Notes

Section 9 of the Act empowers a Veterinary Inspector to isolate or seize infective animals. Sub section (2) of section 9 requires the Inspector to report every order of seizure to the veterinary Surgeon. Section 10 of the Act provides for examination of such animals by veterinary Surgeon. Section 10 reads as under:—

(1) On receipt of a report under sub-section (2) of section 9 the Veterinary Surgeon shall, as soon as practicable, examine the animal and all animals with which it has been in contact or to which it has been in close proximity, and for this purpose may submit any animal to any prescribed test.

(2) If after such examination the Veterinary Surgeon—

(a) is of opinion that any animal is not infective, the Inspector shall forthwith return it to the person who, in his opinion, is entitled to its possession;

Provided that where such person cannot, in the opinion of the Inspector, be found after reasonable inquiry, he shall send the animal to the nearest cattle pound or deal with it in such other manner as may be prescribed, or

(b) certifies in writing that any animal is infective or is affected with a scheduled disease, the animal shall be dealt within such manner as may be prescribed.

Rules 7, 8 and 9 have been framed for putting into effect the requirements of section 10 of the Act.

10. *Prescribed authority under section 11, 12 and 13.*—The prescribed authority for the purposes of section 11, 12 and 13 shall be the Divisional Deputy Director of the Animal Husbandry Department.

Notes.

Section 11 and 12 of the Act provide for certain duties and powers of veterinary Surgeon with regard to declaration and examination of private and public infected places. Sub-section (4) of section 11 and sub-section (2) of section 12 require the Veterinary Surgeon to report the action taken by him to the prescribed authority. Section 13 prescribes the duties of the prescribed authority on receipt of reports from Veterinary Surgeon.

Rule 10 names the prescribed authority.

11. *Cleansing and disinfection of vessels.*—Every vessel of vehicle which section 16 applies shall be cleansed and disinfected atleast once a month or if it is engaged in transporting affected or infective animals at such shorter intervals as the Veterinary Surgeon may direct.

12. *List of disinfectants to be used.*—For the purposes of disinfecting any land, building or other place or any vessel or vehicle, the following disinfectants shall be used as may be directed by the Veterinary Surgeon, namely:—

- (i) Mercuric Chloride 1 in 1,000.
- (ii) Milk of Chloride of lime 1 in 20.
- (iii) Acid Carbolie solution 1 in 20.
- (iv) Formaline solution 1 per cent.
- (v) Steam
- (vi) Formal in Vapour.
- (vii) Blow lamp.

13. *Destruction of perishable articles.*—All perishable articles such as ropes and litter, found on any land, building place, vessel or vehicle to which section 17 applies shall be destroyed and the fittings disinfected.

Notes

Rules 11, 12 and 13 have been framed with a view to meet the requirements of sections 16 and 17 of the Act which are reproduced below:—

(1) Every vessel or vehicle used by a common carrier for the transport of animals shall be cleansed and disinfected by him at such periods and in such manner as may be prescribed.

(2) The person in charge of every such vessel or vehicle shall, when required to do so by an Inspector, cause the vessel or vehicle to be taken to such place as the Inspector may direct and to stop and remain stationery for so long as may reasonably be necessary for the purpose of enabling the Inspector to inspect such vessel or vehicle. The Inspector may after such inspection, if in his opinion the vessel or vehicle is not in a sanitary condition, require it to be cleansed and disinfected in the prescribed manner.

Subject to such rules as may be prescribed the Veterinary Surgeon may, by order in writing, require the owner, occupier or person in charge of any land, building or other place or of any vessel or vehicle in which an infective animal has been kept to have such land, building place vessel or vehicle disinfected, and the internal fittings thereof and other things found therein or near thereto to be disinfected or destroyed, in such manner and to such extent as may be specified in the order.

14. *Exhumation of carcasses.*—When an animal is suspected to have died of a scheduled and has been buried in a locality known

to be free from it and it is necessary to examine the carcasses, the Veterinary Surgeon shall cause the carcass to be exhumed for the purpose of diagnosis under section 18, provided that if the history of the case suggested that the animal had died of Anthrax, no exhumation shall be done.

15. *Distance of placing carcasses.*—The distance from the shore within which the carcass or any part of the carcass of any animal shall not be placed or caused or permitted to be placed under section 22 shall be 500 yards.

Notes.

Section 18 of the Act provides that—Subject to such rules as may be prescribed, the Veterinary Surgeon may make or cause to be made a post-mortem examination of any animal which at the time of its death was infective or is suspected to have been infective, and for this purpose he may cause the carcass of such animal to be exhumed.

16. *Inspection on lands & buildings after due notice.*—The power to enter upon and inspect any land, building or other place or any vessel or vehicle under section 24 for the purpose of examining an animal shall be exercised after giving due notice to the party concerned of his intention to visit the same for the said purpose.

Notes

Section 24 of the Act provides that—subject, to such rules as may be prescribed, an Inspector may enter upon and inspect any land, building or other place or any vessel or vehicle for the purpose of exercising the powers and performing the duties conferred or imposed on him by or under this Act.

FORM

(*Vide rule 6*)

Permit under sub-section (5) of section 7 of the Rajasthan Animal Diseases Act, 1959 (5 of 1959), for the release of an animal detained under the said section.

In pursuance of sub-section (5) of section 7 of the Rajasthan Animal Diseases Act, 1959, I hereby permit the release of the animal/ animals described below from the quarantine station at.....
.....to.....S/o.....the
person in charge of the said animal/animals who shall produce it/ them whenever required to do so by an Inspector or a Police Officer.

Description of animal

Breed.

Sex

Colour

Approximate age.

Brand or any other marks of identification.

Date.....

Signature of the officer-in-charge,

Notification under

RAJASTHAN ANIMAL DISEASES ACT, 1959.

AMENDMENTS

In rule 9 of the said Rules,—

- (a) the figure “1” occurring after the marginal heading, shall be omitted ;
- (b) for the word “neet” occurring after the words “it shall be released after being branded on the”, the word “neck” shall be substituted ; and
- (c) sub-rule (2) shall be omitted.

Agriculture (IV) Department Notification published in Rajasthan Gazette Part IV (Ga.) dated 20-2-64 Page 671 (43).

RAJASTHAN ANIMAL DISEASES ACT, 1929.

AMENDMENTS

in rule 9 of the said Rules, —

- (a) the figure "1" occurring after the marginal heading, shall be omitted ;
- (b) for the word "neck" occurring after the words "it shall be released after being stranded on the", the word "neck" shall be substituted ; and
- (c) sub-rule (2) shall be omitted.

Agriculture (IV) Department Notification published in Rajasthan Gazette Part IV (Ga.) dated 20-2-64 Page 611 (43).

Notifications under

THE RAJASTHAN ANIMAL DISEASES RULES, 1960.

Published in Raj. Raj-patra part IV (c) 1960 at page 272-273

Animal Husbandry Department ORDER

Jaipur, May 21, 1960.

No. D-5231/F. 1 (3) CA/60/48/522.—In pursuance of provision of rule 9 (2) of the Rajasthan Animal Diseases Rules, 1960 framed under the Rajasthan Animal Diseases Act, 1957 (Act No. 5 of 1959), the Governor has been pleased to prescribe the following schedule of rates of compensation to be paid to the owner of the animal in lieu of destroying his animal suffering from African Horse Sickness:—

| S. No. | Rate of compensation to be paid to the owner |
|--------|--|
|--------|--|

- | | |
|----|--|
| 1. | Rs. 100/- for the animal valued to Rs. 500/- and above. |
| 2. | Rs. 90/- for the animal valued to Rs. 400/- to Rs. 499/- |
| 3. | Rs. 80/- for animal valued to Rs. 300/- to Rs. 399/- |
| 4. | Rs. 70/- for the animal valued to Rs. 200/- to Rs. 299/- |
| 5. | Rs. 60/- for the animal valued to Rs. 100/- to Rs. 199/- |
| 6. | Rs. 50/- for the animal valued below Rs. 100/- |

This amount of compensation would also include expenses of disposal of carcass.

The Governor has further been pleased to order that the compensation amount will be paid at the rates prescribed above by the Director of Animal Husbandry or by his nominee on the recommendation of the Committee consisting of two Veterinary Officers where available otherwise one V. A. S. II and one Revenue Officer. Necessary receipts on account of the payment of the compensation amount to the owner will have to be obtained and certified by the members of the Committee.

This sanction issues with the concurrence of Finance Department (D) given vide their note dated 17-5-60.

A. P. KAUSHIK,

Deputy Secretary to the Government.

Published in Rajasthan Raj patra part IV (c) dated June 16, 1960 at page 54

Office of the Deputy Director of Animal Husbandry, Udaipur
Division, Rajasthan Udaipur

NOTIFICATION

Jaipur, June 7, 1960.

No. Gen/Dy./D./U. D./3677-86.—In exercise of the powers conferred by rule 10 of the Rajasthan Animal Disease Rule, 1960, published in the Rajasthan Gazette Extra-Ordinary dated 12-5-60, I, Shri C.L. Sharma, Officiating Deputy Director Animal, Husban-

dry, Udaipur Division, Udaipur, hereby declare Udaipur city within the radius of 5 miles as infected area by new horse sickness disease under section 13 of the Rajasthan Animal Disease Act, 1959 (No. 5 of 1959) as per details given in the Schedule for a period of 90 days.

C. L. SHARMA,

Deputy Director of Animal Husbandry,
Udaipur Division, Udaipur.

Published in Rajasthan Raj-patra part II (a) dated August 25, 1960 at page 163

Office of the Divisional Deputy Director,

Animal Husbandry,

NOTIFICATION

Jodhpur, August 10, 1960.

No. F. V./5088-97.—In exercise of the powers conferred by Rule 10 of the Rajasthan Animal Disease Rule, 1960, published in the Rajasthan Gazette Extra-ordinary dated 12-5-60, I, Shri Devraj Bajaj, the Divisional Deputy Director, Animal Husbandry of Jodhpur Division, hereby declare Nagaur town within the radius of 5 miles infected area by new horse sickness disease under section 13 of the Rajasthan Animal Disease Act, 1959 (No. 5 of 1959) as per details given in the Schedule for a period of Ninety days.

DEVRAJ BAJAJ,

Divisional Deputy Director,
Animal Husbandry.

Published in Raj. Raj-patra part II (a) dated October 27, 1960 at page 251

Office of the Divisional Deputy Director,

Animal Husbandry

NOTIFICATIONS

(1)

In exercise of the powers conferred by rule 10 of the Rajasthan Animal Disease Rule, 1960, published in the Rajasthan Gazette Extraordinary dated 12-5-60, I, Shri Dev Raj Bajaj, the Divisional Deputy Director, Animal Husbandry of Jodhpur Division, hereby declare village Ransia and five miles radius Distt. Barmer infected area by new horse sickness disease under section 13 of the Rajasthan Animal Disease Act, 1959 (No. 5 of 1959) as per details given in the Schedule for a period of three months.

(2)

In exercise of the powers conferred by rule 10 of the Rajasthan Animal Disease Rule, 1960, published in the Rajasthan Gazette Extraordinary dated 12-5-60, I, Shri Dev Raj Bajaj, the Divisional Deputy Director, Animal Husbandry of Jodhpur Division, hereby declare village Chorau and 5 miles radius Jalor District infected area by new horse sickness disease under section 13 of the Rajasthan Animal Disease Act, 1959 (No. 5 of 1959) as per details given in the Schedule for a period of three months.

DEV RAJ,

Divisional Deputy Director.
Animal Husbandry.

Notifications under

THE RAJASTHAN ANIMAL DISEASES ACT, 1959.

Published in Raj. Raj-patra part IV (c) dated May 12, 1960 at page 28-29

Jaipur, May 12, 1960.

No. F. 15 (295) SCA/59.—In exercise of the powers conferred by section 40 of the Rajasthan Animal Diseases Act, 1959 (Act No. 5 of 1959), the State Government does hereby direct that the following addition shall be made in the schedule to the said Act, namely:—

In the said Schedule, after item No: 13 the following item shall be inserted, namely.—

“14. African Horse sickness.”

By Order of the Governor,

A. P. KAUSHIK,

Dy. Secretary to the Government.

Published in Rajasthan Raj-patra part IV (c) dated June 4, 1960 at page 49

Animal Husbandry Department

NOTIFICATION

Jaipur, June 4, 1960.

No. F. 15 (295) SCA/59 —In exercise of the power conferred by section 40 of the Rajasthan Animal Diseases Act, 1959 (Rajasthan Act 5 of 1959), the Government of Rajasthan hereby directs that to item No. 14 of the Schedule to the said Act, inserted by Animal Husbandry Department Notification No. F. 15 (295) SCA/59 dated the 12th May, 1960, published in the Gazette Extraordinary of even date, the following explanation shall be added, namely:—

“Explanation—The expression “African Horse Sickness” includes “New Horse Sickness” also.

By Order of the Governor,

SHIV SHANKER.

Secretary to the Government.

Published in Rajasthan Raj-patra part I (b) dated July 21, 1960 at page 13

Animal Husbandry Department

NOTIFICATION

Jaipur, July 19, 1960.

No. F. 15 (295) SCA/59/(A).—In exercise of the powers conferred by section 5 of the Rajasthan Animal Diseases Act, 1959 (5 of 1959), the State Government hereby, for the purpose of preventing the outbreak or spread of “African Horse Sickness” disease, prohibits the holding of markets, fairs, exhibitions and other concentrations of horses, mules and donkeys throughout the State of Rajasthan.

By Order of the Governor,

SHIV SHANKER,

Secretary to the Government.

Rules and Notifications under

APPRENTICESHIP ACT, 1961
(CENTRAL ACT 52 OF 1961).

Rules under Rajasthan Apprenticeship Act, 1961

Labour Department

NOTIFICATION

Jaipur, December 7, 1962

No. F. 6 (41) Lab./62.—In exercise of the powers conferred by sub-sections (5) and (6) of section 24 of the Apprenticeship Act, 1961 (Central Act 52 of 1961), the State Government hereby directs that the number of persons to be appointed as members of the State Apprenticeship Council from each of the categories specified in sub-section (4) of the section aforesaid, the term of office of, the procedure to be followed in the discharge of their functions by, and the manner of filling of vacancies among the members of the Council and the fees and allowances to be paid to the Chairman and the other members of the Council shall be as follows:—

1. *Constitution of Council.*—The Council shall consist of a Chairman who shall be appointed by the State Government and the following other members who shall also be appointed by the State Government, namely:—

(a) not more than 9 representative of employers in establishments in the public sector,

(b) not more than 9 representatives of employers in establishment in the private sector,

(c) not more than 1 representative of the Central Government,

(d) not more than 15 representatives of the State Government,

(e) not more than 6 persons having special knowledge and experience on matters relating to industry and labour.

2. *Terms of Office.*—(1) The Council shall be constituted for a period of three years and thereafter it shall be reconstituted at the end of every three years. All the members appointed to it shall accordingly hold office for a period of three years:

Provided that a member of the Council shall, notwithstanding the expiry of the said period of three years, continue to hold office until his successor is appointed.

(2) Where a person is chosen as a member of the Council by virtue of the office of appointment he holds, he shall cease to be a member if he ceases to hold that office or appointment.

3. *Cessation of membership*—(1) A member of the Council shall cease to be member if he dies, resigns becomes of unsound mind, is declared insolvent or is convicted of a criminal offence involving moral turpitude.

(2) A resignation of membership shall be tendered to the Secretary and shall not take effect until it has been accepted on behalf of the Council by the Chairman.

4. *Filling of vacancies.*—(1) Any vacancy in the membership of the Council caused by reasons mentioned in sub-para (1) of para 3 shall be filled by the State Government.

(2) A member appointed to fill a casual vacancy shall hold office for so long as the member whose place he fills would have been entitled to hold office if the vacancy has not occurred.

5. *Time and place of meeting.*—The Council shall meet as often as may be necessary and at least once a year on such date, time and place as may be determined by the Chairman.

(6) *Notice of meeting.*—The Secretary shall give a notice of not less than fifteen days for a meeting of the Council to each member but a shorter notice may be given for holding an emergent meeting.

7. *Quorum for the Council.*—One third of the number of members of the Council shall constitute the quorum for any meeting of the Council.

8. *Decision by majority.*—(1) All questions to be decided by the Council shall be in accordance with the opinion of the majority of the members present and voting.

(2) Each member shall have one vote. If there is equality of votes the Chairman shall have and exercise the casting vote.

9. *Business by circulation.*—The Chairman may, in special circumstances instead of convening a meeting of the Council, obtain the opinion of the members on any item of business individually by circulation of papers and such item shall be decided in accordance with the opinion of the majority.

10. *Proceedings of the Council.*—(1) Copies of all proceedings of the Council shall be furnished to the Secretary of the National Council for Training in Vocational Trades. Any views expressed or suggestions made there on by the said National Council shall be duly considered by the Council.

(2) In all other matters, the Council shall follow such procedure as it may determine.

11. *Power to co-opt members.*—The Council may, at any time, invite any person to attend its meeting to give advice or assist in any matter. The person so invited shall, however, not be entitled to vote on any question coming before the Council.

12. *Committees of Council*—(1) The Council shall have the power to appoint such standing or special committees for assisting it in the discharge of its functions as may be considered expedient by it.

(2) The composition and the functions of the standing or special committees shall be determined by the Council.

13. *Fees and allowances to members.*—The Chairman and the representatives of the Central and State Government will draw

travelling and daily allowances for attending the meeting of the Council or of its Committees from the respective Governments in accordance with the rules of those Governments. All other members of the Council will be paid travelling and daily allowances by the State Government for attending the meetings of the Council or of its Committees at the rates admissible to a Government Officer of the first grade in accordance with the relevant rules.

14. *Authentication of acts and proceedings.*—(1) All acts and proceedings of the Council shall be authenticated by the Chairman, or with the approval of the Chairman, by the Secretary.

(2) The Secretary shall carry out the decisions of the Council.

15. *Explanation.*—In this notification, unless the context otherwise requires,—

(a) “Act” means the Apprenticeship Act, 1961 (Central Act, 52 of 1961);

(b) “Chairman” means the Chairman of the State Apprenticeship Council;

(c) “Council” means the State Apprenticeship Council established under sub-section (1) of section 24 of the Act;

(d) “member” means a member of the State Council;

(e) “Secretary” means the Secretary to the Council.

By Order of the Governor,
S.P. SINGH BHANDARI,
Secretary to the Government.

Notifications under

The Apprentices Act, 1961

Published in Raj. Raj-patra part I (b) dated June 7, 1962 at page 24 :

Jaipur, May 16, 1962.

No. F. 2. (3) (3)/Lab./58.2013.—In exercise of the powers conferred by sub-section (2) of section 26 of the Apprentices Act, 1961 (52 of 1961), the State Government hereby appoints the Director of Technical Education, Rajasthan as the State Apprenticeship Adviser with effect from 1st March, 1962.

D. GOSWAMI,
Dy. Secretary to the Government.

Rules and Notifications under

ARMS ACT, 1878 (CENTRAL ACT NO. 11 OF 1878).

RAJASTHAN Arms (Deposit and Forfeiture) Rules, 1958.

Jaipur, May 23, 1958.

No. F.1 (9) (5)/Home. D/58.—In exercise of the powers conferred by sub-section (4) of section 16 of the Indian Arms Act, 1878 (XI of 1878) and entrusted to it by the Central Government, the State Government hereby makes the following rules, namely :—

1. *Short title, extent and commencement.*—(1) These rules may be called the Rajasthan Arms (Deposit and Forfeiture) Rules, 1958.

(2) They extend to the whole of the State of Rajasthan.

(3) They shall come into force immediately.

Commentary

These rules have been framed for carrying into effect the provisions of section 16 of the Indian Arms Act, 1878 which provides that—

(1) Any person possessing arms, ammunition or military stores the possession whereof has in consequence of the cancellation or expiry of a licence or of an exemption or by the issue of a notification under section 15 or otherwise, become unlawful, shall without unnecessary delay deposit the same either with the officer in charge of the nearest police station or, at his option and subject to such conditions as the Central Government may by rule prescribe, with a licensed dealer.

(2) When arms, ammunition or military stores have been deposited under sub-section (1) or, before the 1st day of January, 1920, under the provisions of any law for the time being in force, the depositor shall, at any time before the expiry of such period as the Central Government may by rule prescribe, be entitled—

(a) to receive back anything so deposited the possession of which by him has become lawful, and

(b) to dispose, or authorise the disposal, of anything so deposited by sale or otherwise to any person whose possession of the same would be lawful; and to receive the proceeds of any such sale :

Provided that nothing in this sub-section shall be deemed to authorise the return or disposal of anything the confiscation of which has been directed under section 24.

(3) All things deposited as aforesaid and not returned or disposed of under sub-section (2) within the prescribed period therein referred to shall be forfeited to Government.

(4) (a) The Central Government may make rules consistent with this Act for carrying into effect the provisions of this section.

(b) In particular and without prejudice to the generality of the foregoing provisions, the Central Government may by rule prescribe—

(i) the conditions subject to which arms, ammunition and military stores may be deposited with a licensed dealer, and

(ii) the period after the expiry of which things deposited as aforesaid shall be forfeited under sub-section (3).

These rules have been first published in Rajasthan Raj-patra, dated May 28, 1958, in Part IV (c) at page 55.

Sub-section (iv) of the section 16 of the Act empowers the Central Government to make Such rules. The State Government has framed these rules on behalf of and under the authority of the Central Government.

2. *Interpretation.*—(1) In these rules, unless there is anything repugnant in the subject or context, the expression—

- (1) “arms” means and includes ammunition and military stores as defined in the Act ;
- (2) “Act” means the Indian Arms Act, 1878 ;
- (3) “Form” means a Form appended to these rules ; and
- (4) “Government” means the Government of the State of Rajasthan.

(2) The General Clauses Act, 1897 (X of 1897) shall apply for the purpose of the interpretation of these rules in like manner as it applies for the purpose of the interpretation of a Central Act.

3. *Depositing with a licenced dealer.*—(1) In case when a person deposits his arms under sub-section (1) of section 16 of the Act with a licensed dealer, such licensed dealer shall :—

- (a) give to him a receipt in the Form I,
- (b) maintain a register in Form II, and
- (c) submit, at the end of every quarter of a calendar year, to the District Magistrate, a statement showing the arms that have become liable to forfeiture after the expiration of the period prescribed in, rule 5.

4. *Depositing in a Police Station, receipt and fees.*—(1) The officer-in-charge of the Police Station at which any arms are deposited under sub-section (1) of section 16 of the Act shall give a receipt in the Form III to the depositor.

(2) The Officer-in-Charge of the Police Station shall recover from the depositor the following fees in respect of each deposited arms for the purpose of cleaning and oiling thereof and shall enter the amount so received on the receipt, namely :—

- | | |
|--------------------------|---|
| (a) For each firearms. | Re.1/-for a period of one year or any portion thereof. |
| (b) For every other arm. | 50 nP. for a period of one year or any portion thereof. |

The signature of the depositor shall also be taken on the receipt and its counterfoil in token of his agreement or willingness to pay the fees. The fees shall be paid in advance by the depositor.

(3) All arms, kept in deposit in a Police Station or at the Police Headquarters Stores of the District on which fees have been paid in advance, or for which a depositor has signed an acceptance to pay the cleaning fees, should be periodically cleaned and oiled by the Police Officer-in-Charge of the Police Station or the Police Headquarters Stores, as the case may be, so as to prevent the arms from becoming unfit for use. No such arms shall be returned or disposed of unless the cleaning fees in this respect have been paid.

In the case of any serviceable arms which may appear likely to forfeit to the State and which may be expected to fetch a better price when sold, if kept in good order, the Officer-in-Charge of the Police Station or the Police Headquarters Stores shall have discretion to clean and oil them, even though no fees have been paid in advance or proper acceptance signed by the depositor.

(4) The prescribed fees shall be paid and received at the Police Station where the arms are deposited, and an intimation of payment made will be sent by the Officer-in-Charge of the Police Station to the Police Headquarters Stores of the District if arms have been transferred there for being kept in deposit.

5. *Period for purposes of sub-section (2) of section 16 of the Act.*—The period within which a depositor can exercise his rights under sub-section (2) of section 16 of the Act, shall be one year from the date of deposit of arms by him:

Provided that where within the aforesaid period a depositor dies, leaving a heir who is a minor, the District Magistrate may, on the request of the guardian of such minor, may within six months of the date of such death, direct that the arms may be left in deposit until the expiration of one year from the date of such minor attaining majority, when, if the person entitled to receive them back or dispose of them as prescribed by sub-section (2) of section 16 of the Act has not taken the requisite action, they shall be forfeited to the Government.

FORM I

Receipt.

Receipt for Fire Arms Deposited with licensed Dealer.

No Dated.....
Name of Depositor with
address.....
.....
.....

No..... Dated.....
Received from Shri.....
.....S/o
.....of.....
Tehsil. District.....

the undermentioned firearms for deposit in accordance with rule 3 of the Rajasthan Arms (Deposit and Forfeiture) Rules, 1958 :—

Number and Description of Arms deposited.....

| S.No. | Particulars of Firearms. | Quantity. |
|-------|--------------------------|-----------|
| 1. | | |
| 2. | | |
| 3. | | |
| 4. | | |
| 5. | | |
| 6. | | |

Signature of Depositor.

Signature of licensed Dealer.

Licence No.....

Signature of licensed Dealer.

Licence No.....

FORM II

Register of Firearms, Ammunition and Military Stores deposited with a licensed Dealer during the year.....

Name and address of Licensed Dealer.....

| Date of deposit | Description, No. of arms, ammunition or Military Stores | Name and address of the depositor. | Date when due for forfeiture | Date & method of disposal | Remarks. |
|-----------------|---|------------------------------------|------------------------------|---------------------------|----------|
| 1 | 2 | 3 | 4 | 5 | 6 |

FORM III

Receipts for Firearms deposited at a Police Station by a Depositor. (Obverse side).

RECEIPT

RECEIPT.

No..... Date..... No..... Date.....
 Received from Shri.....
 Name of Depositor with address S/o..... resident of.....
 Tehsil..... District..... the
 following firearms for deposit in
 accordance with rule 4 of the
 Rajasthan Arms (Deposit & Forfeiture) Rules Act, 1958. A separate receipt accompanies for the
 Number and Description of Arms deposited..... sum of Rs..... As..... (in
 Words.....) being the cleaning charges for a period of one year ending..... at the prescribed scale:—

Signature of Depositor.

Signature of Officer-in-Charge Police Station.....

S. No. Particular of firearms Number.

Place.....

Date.....

Signature of Officer-in-Charge Police Station.

(Reverse side)

I agree to pay the cleaning charges at the prescribed rate/I do not desire to pay the cleaning charges.

Place

Signature of Depositor of weapon

Date.....

Note:—The depositor is entitled, during the period of one year from the date of deposit, to sell or otherwise dispose of the weapons deposited by him to any person lawfully entitled to possess them. If not so disposed of or if possession thereof by the owner has not again become

lawful, within the said period, the weapons are forfeited to Government. ..

Jaipur, May 23, 1958.

No.F.1 (9)(5)/Home.D./58.—In exercise of the powers conferred by clause (a) of section.17 of the Indian Arms Act, 1878, (XI of 1878) and entrusted to it by the Central Government, the State Government does hereby direct that the holders of licences in any of the Forms IX, X, XI and XII, shall keep a record or account of all arms, ammunition or military stores in the following manner—

1. The licensee shall maintain a register of all arms, ammunition or military stores in stock and of all sales in the forms 7A and 7B given in the Appendix hereto.

2. The licensee shall submit a weekly report of sales made by him in the Form 8 contained in the Appendix in the week next following the sales.

APPENDIX

FORM 7 A.

Register of Daily stock of Firearms, Ammunition and Military Stores of licensees in forms IX, X, XI and XII for the year...

Name of licensed dealer with address and licence No.....

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|------|---|---|--|-------------|------------------------|----------------------------------|--|
| Date | Particular of Arms Ammunition & Military Stores in stock | Balance at the beginning of the day in hand | Stock received by import or purchase during the day | Total stock | Sold during the day | Balance at the end of the day | Signature of licen- sed dealer or his authorised Salesman |

In column No. 2 the licensed dealer will give particulars of Arms, Ammunition and Military Stores in which he has been authorised to deal, for example in the following manner:—

- | | | | | |
|----|------------------------------|------|------|------------------------------------|
| 1 | Rifles | ... | .... | Breech loading. Muzzle loading. |
| 2. | Guns. | .... | .... | Breech loading. Muzzle loading. |
| 3. | Combined Rifle and shot guns | .... | .... | Breech loading. Muzzle loading. |
| 4. | Pistols | | | |
| 5. | Revolvers | | | |

FORM 8.

Weekly Report of Sales of Arms and Ammunition sold to licensed and exempted persons by Licensed Dealers in Rajasthan for the year

Name of Licensed Dealer with address and licence No.....

| Date of Sale. | Name and address of the purchaser and No. and form of the licence. If the purchaser is an exempted person the fact should be so stated. | Name and full description of firearms sold and the bore. | Quantity and full description of the ammunition sold (including bore). |
|---------------|---|--|--|
| 1 | 2 | 3 | 4 |

By Order of the Governor,
C. S. GUPTA.

Secretary to the Government.

Published in Raj. Raj-patra Vol. 4 No. 102 Dated 13-9-52 part I at page 572 :

HOME DEPARTMENT.

NOTIFICATIONS.

Jaipur, September 5, 1952.

No. F. 18 (7) (1)/Police III/51.—Under rule 2 (1) of the Indian Arms Rules, 1951, the Government of Rajasthan is pleased to designate all Collectors of Districts as District Magistrates within the limits of their respective jurisdiction for exercising powers and functions conferred on them under the Indian Arms Rules, 1951.

By Order of

His Highness the Rajpramukh,
S. W. SHIVESHWARKAR,
Chief Secretary to the Government.

Published in Raj. Raj-patra Dated March 26, 1955 part I (b) at page 795 :

HOME DEPARTMENT II.

NOTIFICATION.

Jaipur, March, 3, 1955.

No. F. 6 (15) (115) Police 3/50/12D. S. H./C—In exercise of the powers conferred by section 16 of the Indian Arms Act, 1878 (XI of 1878) as delegated to the Government of Rajasthan by Notification No. 9/74/51-Police-I dated the 26th February, 1953 of the Central Government in the Ministry of Home Affairs the Government of Rajasthan is hereby pleased to make the following Rule. namely:—

Rule.—Arms, ammunition or military stores deposited with an officer in charge of a police station or a licensed dealer under sub-section (1) of section 16 of the Indian Arms Act, 1878 in consequence of the possession thereof having become unlawful, and not returned or disposed of under sub-section (2) of that section, shall stand forfeited to the Government on the expiry of a period of six months.

By Order of

His Highness the Rajpramukh,
S. D. UJWAL,

Secretary to the Government.

Published in Raj. Raj-patra Dated April 11, 1957 part IV (c) at page 2 :

Jaipur, March 12, 1957.

No. F. 6 (15) (24) Home.II/55.—In pursuance of rule 2 (1) of the Indian Arms Rules, 1951, the Government of Rajasthan is pleased to designate all Additional District Magistrates within the limits of their respective jurisdiction for exercising the powers and functions of a District Magistrate under the said Rules.

By order of the Governor,
SAMPATMAL BHANDARI,
Secretary to the Government.

Published in Raj. Raj-patra Dated May 28, 1958 part IV (c) at page 51 to 54 :

HOME 'D' DEPARTMENT
NOTIFICATIONS
Jaipur, May 23, 1958.

No. F. 1 (9)(5)/Home.D/58—In exercise of the powers conferred by entry 5 (iv) of the Schedule II to the Indian Arms Rules, 1951, and entrusted to it by the Central Government, the State Government does hereby fix 150 lb. as the quantity of sulphur exempted under the said entry in any part of Rajasthan.

Jaipur, May 23, 1958.

No. F. 1 (9) (5) Home. D/58.—In exercise of the powers conferred by entry 5 (ii) and entry 6 (ii) of Schedule II of the Indian Arms Rules, 1951, and entrusted to it by the Central Government, the State Government does hereby fix 10 lb as the quantity of leaden bullets and bird shots exempted under the said entries in any part of Rajasthan.

Jaipur, May 23, 1958.

No. F. 1 (9) (5)/Home. D/58.—In exercise of the powers conferred by entry 6 (i) of the Scheduled II to the Indian Arms Rules, 1951, and entrusted to it by the Central Government, the State Government does hereby fix 20 lb as the quantity of lead required in good faith for the industrial and manufacturing purposes (other than the manufacture of bullets and birds-shots) exempted under the said entry in the districts of Ganganagar, Bikaner, Jaisalmer and Barmer in Rajasthan on the external land frontier of India.

Jaipur, May 23, 1958.

No. F. 1 (9) (5)/Home.D/58.—In exercise of the powers conferred by sub-rule (4) of rule 26 of the Indian Arms Rules, 1951, and entrusted to it by the Central Government, the State Government does hereby authorise Sub-Inspectors of Police within the local limits of their authority to exercise all the powers conferred by the said sub-rule.

Jaipur, May 23, 1958.

No. F. 1 (9) (5)/Home.D/58.—In exercise of the powers conferred by proviso (b) of sub-rule (1) of rule 3 of the Indian Arms Rules, 1951, and entrusted to it by the Central Government, the State Government does hereby direct that—

(1) All persons exempted under and in accordance with the Schedule I to the Indian Arms Rules, 1951 except those included in entry 2, shall register all firearms and ammunition held by them with the District Magistrate having jurisdiction.

(2) The District magistrate shall maintain a register of all firearms and ammunition registered by exempted persons in the Form appended to these rules.

(3) Each exempted person shall furnish annually to the District Magistrate a list of firearms and ammunition in his possession in order that firearms possessed by such person may be periodically checked. In the case of pistols and revolvers held by an exempted

person, he shall be required to produce them either personally or through his agent before the District Magistrate or to forward a certificate of possession signed by the nearest Magistrate or the officer-in-charge of the nearest Police Station. This certificate will only be given by the Magistrate or the Police Officer after he has seen the weapon and satisfied himself that the weapon produced is the one which the person exempted is entitled to possess.

APPENDIX

FORM

Register of Firearms registered by exempted persons in District.....
.....for the year.....

| Name of exempted person with address. | Grounds of exemption. | Description of firearms and ammunition. | Maker's name and number. |
|---------------------------------------|-----------------------|---|--------------------------|
| 1 | 2 | 3 | 4 |

Jaipur, May 23, 1958

No. F. 1 (9) (5) Home D./58.—In pursuance of the powers contained in the condition No. 6 of licence in Form XVI, condition No. 7 of licence in Form XVIII and condition No. 8 of licence in Form XIX of the Schedule VIII to the Indian Arms Rules, 1951 and entrusted by the Central Government to it, the State Government does hereby in respect of the arms shown in column 1 of the table appended below fix the maximum quantity of ammunition as indicated against each.

TABLE

| Type of firearms | Maximum quantity of ammunition to be held | |
|------------------|---|--------------------------|
| | At one time | During one calendar year |

- | | | |
|--|----------------------|-----------------------|
| 1. .22 bore rifles ordinary (Not .22 bore Hornet or .22 bore high power) | 100 cartridges. | 400 cartridges. |
| 2. Rifles other than .22 bore... | 50 cartridges. | 200 cartridges. |
| 3. Breach-loading guns | ...100 cartridges. | 400 cartridges. |
| 4. Revolvers or pistols | ... 20 cartridges. | 50 cartridges. |
| 5. For all firearms | ...150 cartridges. | 600 cartridges. |
| 6. Muzzle loading guns | 250 percussion caps. | 1000 percussion caps. |

Jaipur, May 23, 1958.

No. F. 1 (9) (5)/Home D./58—In exercise of the powers conferred by entry 2 (viii) of the Schedule II to the Indian Arms Rules, 1951 and entrusted to it by the Central Government the State Government does hereby direct that the exemption from the prohibitions and directions contained in sections 5 and 14 of the Indian Arms Act, 1878 (XI of 1878) enjoyed under the said entry by *bona fide* medical practitioners and dispensing chemists in respect of Chlorates shall with immediate effect the subject to the following conditions, namely:—

1. All such medical practitioners and dispensing chemists shall—

- (i) register themselves with the District Magistrate having jurisdiction;
- (ii) maintain record of stock and sales of Chlorates in the Form I appended hereto;
- (iii) submit to the District Magistrate by the 5th day of every month, a return in the Form I appended hereto relating to the month immediately preceding ;
- (iv) furnish to the District Magistrate any other information in respect of purchase, sale or dispensing of Chlorates in their possession.

2. All such dispensing chemists shall :—

- (i) not be in possession of more than one pound of Potassium Chlorate and more than one thousand tablets of Potassium Chlorate (5 grains each) at a time ;
- (ii) not sell to registered medical practitioners more than one ounce of Potassium Chlorate and more than one hundred tablets of Potassium Chlorate (5 grains each) at a time ;
- (iii) make always available for inspection at any time by a Magistrate and the Police Officer not below the rank of a Sub-Inspector, the registers in respect of stock and sales of Potassium Chlorate.

3. All such medical practitioners shall not be in possession of more than one ounce of Potassium Chlorate and more than 100 tablets of Potassium Chlorate (5 grains each) at a time.

APPENDIX

FORM I

Register/Return of stock and sales of... ..for the month of
.....year

Name of dispensing chemist or medical practitioner with address ..

| Date | Opening stock (weight) | Received (weight) | Total (weight). | Sold. |
|----------|------------------------------|---|---|---|
| | | | | Name of purchaser with address and No. and form of licence. If purchaser is an exempted per- son state so. |
| 1 | 2 | 3 | 4 | 5 |
| Quantity | Balance | Signature of licensee or his salesman. | Remarks of Inspecting Officer, if any, with date. | |
| 6 | 7 | 8 | 9 | |

*Signature of dispensing
Chemist or Medical Practitioner.*

Published in Raj. Raj-patra Dated August 22, 1953 part I at page 633 :

HOME DEPARTMENT II

NOTIFICATION.

Jaipur, August 10, 1953,

No. F. 6 (1) (15) Home II/53.—In exercise of powers conferred *vide* entry 4 of Schedule VII of the Indian Arms Rules, 1951, the Rajasthan Government have been pleased to declare the possession of arms shown in the third column of the following table by the officers of the classes enumerated in column (2) thereof in the public interest. Licence in form XVI will, therefore, be issued free of fee in respect of arms mentioned in column 3.

| No. | Designation of officers. | Arms in respect of which free licence may be issued. | Remarks. |
|-----|--|--|--|
| 1. | All Gazetted Officers of the Rajasthan Police Force. | One service pattern pistol/revolver. | This concession will automatically cease as soon as the officer is discharged from Police service. |
| 2. | Inspector of Police and Sub-Inspectors of Police of the Rajasthan Police Force, provided it is certified that he has not been supplied with a Government weapon. | -do- | -do- |

B. G. RAO,

Chief Secretary to the Government.

Published in Raj. Raj-patra Dated September 17, 1955 part I (b) at page 429 :

(Authorised by His Highness the Rajpramukh)

NOTIFICATIONS.

Jaipur, August 17, 1955.

No. D. 2162/F. 6 (1)(15) Home II/53/DSH/C.—In pursuance of section 1 (b) of the Indian Arms Act 1878 (No. 11 of 1878) the State Government are pleased to authorise the following officers of the Opium (Narcotics) Department and the Head Constables of Rajasthan Police Force on deputation to the Intelligence Bureau, Government of India, to bear and possess arms and ammunition belonging to Government according to scale laid down for use in the execution of their duties as public servants:—

| Name of official | Place | Arms and Ammunition. |
|------------------------------|-----------------|----------------------|
| 1. 3 District Opium Officers | Kotah, Chittor- | One revolver with 12 |
| | garh & Jhalawar | rounds. |
| 2. 3 Inspectors (Preventive) | " | " |
| 3. 3 Zilledars (Preventive). | " | Muskets with bay- |

onet with 20 rounds
per weapon.

4. 3 Peons (Preventive).

5. Head Constables of Rajasthan Police on deputation to the Intelligence, Government of India, Jaipur. Jodhpur, Bikaner. One revolver with 10 rounds.

Published in Raj. Raj-patra Dated December 5, 1957 part I (b) at page 809 :

HOME (B) DEPARTMENT NOTIFICATION

Jaipur, November 18, 1957.

No. D.6973/F. 6(1)(15)/Home-II/53.—In exercise of the powers conferred by entry No. 4 of the Schedule VII to the Indian Arms Rules, 1951, read with Government of India, Ministry of Home Affairs Notification No. 19/3/57-police (IV) dated the 22nd January, 1957, the State Government does hereby declare that the possession of arms and ammunition (private firearms) shown in the third column of the following table by the officers of the class enumerated in second column thereof, to be in the public interest as long as they continue to be in Rajasthan Government service:—

TABLE

| S. No. 1 | Description of Officers. 2 | Arms and Ammunition. 3 |
|-------------|---|---|
| 1. | Police Officers of I. P. S. cadre of Rajasthan. | Two revolvers or two pistols or one revolver and one pistol, one of which will be of service pattern. |
| 2. | All Gazetted Police Officers of Rajasthan. | —do— |

By order of the Governor,
C. S. GUPTA,
Secretary to the Government.

Published in Raj. Raj-patra Dated February 7, 1957 part IV (c) at page 803 :

NOTIFICATION

Jaipur, January 17, 1957.

No. D. 2151/F. 6 (15) (3)/Home.—II/55—In exercise of the powers conferred by section 1 (b) of the Indian Arms Act 1878 (No. XI of 1878) read with entry 4 of Schedule VII of the Indian Arms Rules, 1951, the Government of Rajasthan have been pleased to declare that the Government Servants named below who are not authorised to carry arms and ammunition as a part of their employment, but who are required to possess arms & ammunition in the execution of their duties in the public interest shall bear and possess arms & ammunition belonging to Government without obtaining any licence and in case the arms maintained by them are their private, they shall have to obtain licence which would be granted in

form XVI of the Indian Arms Rules, 1951 free of fee. The Government servants referred to above are to possess arms & ammunition owned by them as mentioned in the following table :—

| S. No. | Designation of officers. | Arms in respect of which free licence is to be issued. | Period for which free of fee licence shall remain valid subject to timely renewal. |
|--------|--|---|---|
| 1. | Commissioner, Excise & Taxation, Rajasthan, Jaipur. | 1 (one) revolver of prohibited bore with 20 rounds at a time and 30 rounds in a year. | This concession will cease as soon as the officer vacates the posts as mentioned in the 1st column. |
| 2. | Dy. Commissioners, Excise & Taxation, Rajasthan Jaipur. | -do- | -do- |
| 3. | Asstt. Commissioners, Excise & Taxation, Rajasthan. | -do- | -do- |
| 4. | Gazetted Officers of Indian & Provincial service of Engineers in Irrigation Deptt. | -do- | -do- |

Such Government servants as mentioned above who are granted free of fee licence in form XVI of the Indian Arms Rules 1951 are liable to pay renewal fee in case they do not get their licence renewed in time.

DURGA PRASAD,
Secretary to the Government.

Published in Raj. Raj-patra Dated July 21, 1956 part I (b) at page 335 :

Jaipur, June 25, 1956.

Subject:—Licensing of M.L. Firearms.

MEMORANDUM

No. D. 4030/F. 18(7) (I) Police. 151/51.—The Indian Arms Rules, 1951 framed under the Indian Arms Act, 1878 (Act No. XI of 1878) require that the M.L. Firearms must be properly licensed.

Since the extension of the said Act and Rules to Rajasthan, the Government, due to certain reasons, had issued instructions that the M.L. Firearms should only be registered and not licensed for the time being but now in cancellation of these instructions, the Government, in consultation with the Ministry of Home Affairs, Government of India, have been pleased to order that :—

1. All M.L. Firearms in the State must be licensed immediately.
2. The possession of the M. L. Firearms should be properly regulated and controlled in accordance with the provisions of the Indian Arms Act and Rules.

3. Exemption from licensing the M.L. Firearms may be given to such tribes, for example, Bhils etc. who live in primitive conditions in wild and in accessible areas of Rajasthan subject to the conditions that these tribes will have to get their Muzzle Loaders registered as they had been doing so far.

All the District Magistrates are requested to intimate the Government within a fortnight positively as to which of the particular tribes and of which areas are to be notified by the Government as "exempted" from getting their Muzzle Loaders licensed.

Government have further been pleased to order that at any cost the work of licensing the Muzzle Loading Firearms should be taken up at once and finished by the end of December, 1956. In case the printed booklets on form XVI are not available in requisite number the District Magistrates can get the forms printed or cyclostyled in sheets locally and in that case they would not charge Re. 1/- which is usually charged for printed and bound booklets. An amount of annas four only will be the licensing fee.

The matter may kindly be given widest possible publicity among the public especially in the interiors of the Districts so that the work of the licensing of Muzzle Loading firearms might be finished definitely by the end of 1956.

D. P. SHARMA,
Secretary to the Government.

Published in Raj. Raj-patra Dated January 31, 1957 part I (b) at page 760 :

HOME DEPARTMENT (B)

NOTIFICATION

Jaipur, January 17, 1957.

Subject:—Indian Arms Act and Rules-Exemption from the operation and Prohibition of—

MEMORANDUM

No. 11074/F. 6 (18) (1)/Home. II/55.—Under the Indian Arms Rules 1924 certain persons enjoyed the privilege of exemption from the operation of the prohibitions and directions contained therein. This exemption has now been withdrawn and only such persons as mentioned in Schedule 1 of the Indian Arms Rules 1951 and those whose names have been notified by the Government of India from time to time (reproduced in the Rajasthan Rajpatra on the due dates) are now exemptees and they are not required to take out licence for firearms which are in their possession.

The old ex-exemptees are also feeling the loss of privileges enjoyed by them in the past. With a view to reduce the grievances of the ex-exemptees, the Government of Rajasthan have been pleased to decide that their cases be treated more liberally and they may be allowed to keep their firearms under proper licences to be granted to them free of charge for their life time subject to renewal after such

duration as is allowed in the licence but the validity of the licence cannot exceed more than 3 years period. This concession is available to the ex-exemptees in respect of their arms acquired before 1-8-1950 as well as after that date and also in respect of the weapons they may now like to acquire subject to the condition that such ex-exemptees will have to prove that they had hitherto enjoyed this privilege. So far as the number of weapons with the ex-exemptees is concerned, the Government have decided that determination of the number of weapons will be at the discretion of the licensing authority. In this connection, it has also been decided that the heirs of the ex-exemptees will not be allowed to avail of this concession.

All concerned are therefore requested to avail of this opportunity and apply through the District Magistrates concerned together with necessary documents in support of their claims.

D. P. SHARMA,
Secretary to the Government.

Notifications under

INDIAN ARMS RULES, 1951.

Published in Raj Raj-patra part IV (c) dated January 1, 1959 at page 1279

Home (D) Department

NOTIFICATIONS

Jaipur, December 6, 1958.

No. D. 8109/F. 15 (8) (372)/Home B/57.—In exercise of the powers conferred by entry No. 4 of the Schedule VII to the Indian Arms Rules, 1951, read with the Government of India, Ministry of Home Affairs Notification No. 19/1/58-Police (IV) dated the 23rd April, 1958 and in supersession of this Government Notification No. F. 6 (1) (15) Home II/53, and No. D. 6973/F.6 (1) (15)/Home II/53 dated respectively the 10th August, 1953 and 18th November, 1957, the State Government does hereby declare the possession of arms and ammunition (private fire arms) shown in the third column of the following table by the police officers of the class mentioned against them in the second column thereof, to be in the public interest so long as the said officers continue to be in the service of the Rajasthan Government.

TABLE

| Sl. No. | Designation of Police Officers. | Arms and ammunition. |
|---------|--|--|
| 1 | 2 | 3 |
| 1. | All Gazetted officers other than Inspectors of Police. | One shot gun or rifle and a revolver or automatic pistol of non-prohibited bore with reasonable quantity of ammunition for the same. |
| 2. | Inspectors and Sub-Inspectors of Police. | One shot gun with reasonable quantity of ammunition for the same. |

Published in Rajasthan Raj-patra part I (b) dated October 29, 1959 at page 335

Home 'D' Department

NOTIFICATION

Jaipur September 14, 1959.

No. D. 4364/F. 1 (9) (8)/HD/58.—The State Government hereby declares, with reference to entry (4) of Schedule VII to the Indian Arms Rules, 1951, that the possession and bearing of the arms specified in column 3 of the sub-joined table by the officers of the classes mentioned in column 2 thereof is in public interest and consequently licenses shall be issued free of fee in respect of the arms specified in column 3.

| S. No. | Class of officers. | Arms in respect of which free licenses may be issued. | Duration of period for which this privilege is valid |
|--------|---|---|--|
| 1 | 2 | 3 | 4 |
| 1. | Hon'ble Judges of High Court | One Revolver/Pistol of N.P. bore | During the period he holds Office |
| 2. | Sessions Judges | -do- | -do- |
| 3. | Additional Sessions, Judges | -do- | -do- |
| 4. | Asstt. Sessions Judges | -do- | -do- |
| 5. | Divisional Commissioner | -do- | -do- |
| 6. | Addl. Commissioners of the Dns. | -do- | -do- |
| 7. | All Stipendiary Magistrates | -do- | -do- |
| 8. | All Gazetted Forest Officers | -do- | -do- |
| 9. | Inspector General of Prisons | -do- | -do- |
| 10. | Asstt. I.G. Prisons | -do- | -do- |
| 11. | Supdts. of Jails | -do- | -do- |
| 12. | Dy. Supdts. of Jails | -do- | -do- |
| 13. | All Jailors | -do- | -do- |
| 14. | Chief Electoral Officer | -do- | -do- |
| 15. | Asstt Chief Electoral Officer | -do- | -do- |
| 16. | Commissioner, Ex. & Tax | -do- | -do- |
| 17. | Dy. Commissioners Ex. & Tax. | -do- | -do- |
| 18. | Asstt. Commissioners Ex. & Tax | -do- | -do- |
| 19. | Addl. Commissioners Sales Tax | -do- | -do- |
| 20. | Sales Tax Officers | -do- | -do- |
| 21. | Agricultural Income Tax Officer | -do- | -do- |
| 22. | Excise Inspectors | -do- | -do- |
| 23. | Gazetted Officers of Indian and Provincial Services of Engineers in Irrigation Department | -do- | -do- |
| 24. | All Gazetted Police Officers | One revolver or automatic pistol of Non-prohibited bore and one shot-gun/rifle. | -do- |

- | | | |
|---|-----------------|------|
| 25. Inspectors and Sub-Inspectors of Police | One shot-gun. | -do- |
| 26. Forest Rangers and Forest Guards | One 12 bore gun | -do- |

The following notifications may be treated as cancelled:—

(1) No. D. 2151/F. 6 (15) (3) H-II/55 dated 17-1-57.

(2) No. D. (2) No. D. 8109/F. 15 (8) (372) H-B/57 dated 4/6th December, 1958.

By Order of the Governor,
Z. S. JHALA,
Secretary to the Government.

Published in Paj. Raj-patra part IV (c) 1960 at page 269-270

Jaipur, June 20, 1960.

No. D. 1902/F. 1 (80) HD/60:—In exercise the powers conferred by entry No. 4 of the Schedule VII of the Indian Arms Rules, 1951, the State Government hereby declares that licences issued in pursuance of this Department Notification No. F. 6 (1) (15) Home II/53, dated the 13th August, 1953 shall be renewed free of fee so long as the officers to whom they were issued remain in Police Service. On their retirement the District Magistrates concerned shall consider their cases in accordance with paragraph 69 of this Department Circular No. D. 2676 F. 1 (9) (5) HD/58, dated the 30th April, 1958.

It is also hereby clarified that no Police Officer shall be allowed to purchase any prohibited bore revolver/pistol to be kept as a part of his uniform.

By Order of the Governor,
Z. S. JHALA,
Secretary to Government.

Published in Raj. Raj-patra part IV (c) dated March-22, 1962 at page 353 :

Home (D) Department

NOTIFICATION

Jaipur, February 9, 1962

No. F. 1 (208) Home (D)60.—In pursuance of section 1 (b) of the Indian Arms Act, 1878 (11 of 1878) and in continuation of this Department Notification No. D-2162/F. 6 (1) (15) Home-II/59, dated the 17th August, 1955, the State Government hereby authorises the following officers of the Narcotics Department of Government of India deputed in Rajasthan to bear and possess arms and ammunition belonging to the Government of India according to the scale laid down in column 4 of the following table in the execution of their duties as public-servants.

| S. No. | Name of Officers | Place of Deputation. | Arms and Ammunition |
|--------|---------------------------------------|----------------------|---|
| 1 | 2 | 3 | 4 |
| 1. | One Assistant Narcotics Commissioner. | Kota | One revolver with 12 rounds. |
| 2. | One Deputy Superintendent, Excise. | Kota | One revolver with 12 rounds. |
| 3. | Three preventive Inspectors. | " | " |
| 4. | Two Sub-Inspectors. | " | " |
| 5. | 2 Preventive Ziladars. | " | Musket with bayonet 20 rounds per weapon. |
| 6. | 2 Preventive Peons. | " | " |
| 7. | One District Opium Officer. | Jhalawar. | One revolver with 12 rounds. |
| 8. | Two Preventive Inspectors. | " | " |
| 9. | Two Preventive Ziladars. | " | One musket with bayonet and 20 rounds |
| 10. | Two Preventive Peons. | " | " |
| 11. | One District Opium Officer. | Partapgarh | One revolver with 12 rounds. |
| 12. | One Preventive Inspector. | " | " |
| 13. | One Preventive Sub-Inspector. | " | " |
| 14. | One Preventive Ziladar. | " | One musket with bayonet and 20 rounds. |
| 15. | One Preventive Peon. | " | " |

All these Fire-arms should be pooled at suitable central places and supplied to the officers mentioned above only when they are on duty and as and when necessary.

By Order of the Governor,
SHIV SHANKAR,
Secretary to the Government.

Published in Raj. Rajpara patrt IV (c) dated Octomber 18, 1962 :

Home (D) Department

NOTIFICATION

Jaipur, September 21, 1962.

No. F. 6 (15) (3) H./11/55.—In pursuance to entry (4) of schedule VII of the Indian Arms Act and Rules, 1951, the Government have been pleased to accord sanction to the grant of free of fee licences for the firearms in column 3 against each of the categories of officers of the Jail Department, Rajasthan by respective designation, keeping in view the interests of their respective public duties from the dates of issue of such licences by the District Magistrates concerned till the dates the post in question exist :—

| S. No. | Designation of the post | Description of the firearms for which licences to be issued free of fee. | No. of firearms for which licences to be issued free of fee. | Remarks. |
|--------|---|--|--|----------|
| 1 | 2 | 3 | 4 | 5 |
| 1. | Dy. Jailors in Central Jails. | N. P. bore Revolver/Gun | 1 | |
| 2. | Dy. Jailors in Distt. Jails (B-Class). | " | 1 | |
| 3. | Dy. Jailors in Distt. Jails (D-Class). | " | 1 | |
| 4. | Asstt Jailors, sub-Jails (I, II & III Classes). | " | 1 | |

SHIVE SHANKAR,

Home Secretary to the Government.

Rules and Notifications under

ARMS ACT, 1959 (NO. 54 OF 1959).

Notifications under

Arms Act, 1959.

Published in Rajasthan Raj-patra part IV (c) dated 14-3-63 page 1057

Home Department (D)

NOTIFICATION

No. F.1 (133)/Home. D/62. Dated, Jaipur the 4th Feb. 63

In pursuance of rule 4 of the Arms Rules, 1962, read with column (5) of entry 3 (c) of Schedule II there of, the state Government hereby empowers all the Tehsildars in Rajasthan (except in the Districts of Jaisalmer and Barmer to exercise, with in their respective jurisdiction, the power to issue and renew the licenses for the following categories of arms:—

- (a) Air guns and muzzle-loading guns specified in entry III (d) of schedule I of the said Rules, and
- (b) Arms other than fire-arms, specified in entry V of Schedule I of the said Rules.

By order of the Governor

Shiv Shankar

Secretary to the Government

Notification No F. 1 (8) HD/60.—In pursuance of rule 4 of the Arms Rules, 1962 read with column 5 of item Numbers 12 and 13 of Schedule III thereof, the State Government hereby specially empowers all Arms Rules, 1962 read with column 5 of item Numbers 12 and 13 of the District Magistrates in Rajasthan to exercise, within their respective jurisdiction, the power to issue and renew licences for the following categories of arms and ammunition, in the form specified against each to the persons who deal in arms/ammunition:—

| S. No. | Category of arms/ammunition as defined in Schedule I to the Arms Rules, 1962. | Arms/ammunitions. | Form No. of Schedule II to the Arms Rules, 1962. |
|--------|---|---|--|
| 1 | 2 | 3 | 4 |
| 1. | III (c)..... | 22 bore (low velocity) rifles using rim fire cartridges, breech loading smooth bore guns & air rifles, and ammunition for fire-arms of this Category. | XIII |

| | | | |
|----|-------------------|--|------|
| 2. | III(d) | Air guns and muzzle loading guns and ammunition thereof. | XIII |
| 3. | V | Arms other than firearms. | XIII |
| 4. | VI(a).....,.... | Articles containing explosives or fulminating material fuses and friction tubes. ... | XIII |
| 5. | VI(b)..... | Ingredients as defined in section 2(1) (b)(vii) of the Arms Act, 1959 (Central Act 54 of 1959). | XIII |
| 6. | All | All categories of arms ammunition (purposes of license keeping for safe custody). | XIV |

Provided that the licenses for the following arms/ammunition shall be granted by the District Magistrate after obtaining the prior approval of the State Government:—

1. 22 bore rifles.
2. Breech loading guns.
3. Sulphur, Potassium chlorates, etc.

(Rajasthan Gazette-Part IV (Ga) dated-10-10-1963 Page 341).

Home (D) Department

Jaipur, September, 18, 1965.

Notification No. F. 1 (7) Heme (D)/64.— In exercise of the powers conferred under clause (b) of sub-section (1) of section 43 of the Arms Act, 1959 (Central Act No. 54 of 1959) read with Central Government Notification G. S. R. No. 1309 dated the 1st October, 1962 of the Ministry of Home Affairs, New Delhi published in the Extraordinary issue of Part V (B) Rajasthan Gazette dated the 29th November, 1962, the State Government under section 42 (i) of the Arms Act, 1959 hereby makes the following amendments in the Government of Rajasthan Home (D) Department Notification of even number dated the 3rd July, 1965 published in the Rajasthan Rajpatra Part IV (c) dated the 5th August, 1965:—

1. The Notification will be extended to the entire districts of (a) Jaipur, (b) Ajmer, (c) Jodhpur, (d) Udaipur, (e) Bikaner, (f) Kota, (g) Ganganagar, (h) Alwar, (i) Bharatpur, (j) Bhilwara, (k) Barmer.

2. The period within which the license would be obtained is extended upto 30th November, 1965.

3. Licenses for prohibited weapons shall also be given in the same manner as for other weapons referred to in the Notification and it would not be necessary to deposit them with the Police Stations.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 18-9-65—Page 371]

HOME (D) DEPARTMENT
Jaipur, November 12, 1965.

Notification No. N. 1 (55) Home (D)65.—In exercise of the powers conferred by clause (2) of the Rajasthan Arms and Ammunition Control Order, 1962 the State Government hereby notifies the District of Jaipur as the District to which the provisions of the said order shall apply.

[Pub. in Raj. Gaz. Ex. 4 (Ga)—Dt. 17-11-65]

HOME (D) DEPARTMENT
Jaipur, November 10, 1965

Notification No. F. 1 (73) Home (D)/64.—In pursuance of rule 4 of the Arms Rules, 1962 read with the entries in Column 7 against item No. 3 (a) of Schedule II thereof, the State Government hereby specially empowers all the District Magistrates in Rajasthan to exercise within their respective jurisdiction, the powers to renew licenses for the Semi-automatic weapons.

[Pub. in Raj. Gaz. 4 (Ga)—Dt. 17-2-66—Page 554]

HOME (D) DEPARTMENT
Jaipur, May 3, 1966

Notification No. F. 1(7)/Home-D/64.—In exercise of the powers conferred under Clause (b) of sub-section (1) of section 43 of the Arms Act, 1959 (Central Act No. 54 of 1959) read with Central Government Notification G. S.R. No. 1309 dated 1st October, 1962 of the Ministry of Home Affairs New Delhi, published in the Extraordinary issue of Part V(B) of Rajasthan Gazette dated 29th November, 1962, the State Government under section 42 (i) of the Arms Act, 1959 makes the following amendments in the Government of Rajasthan, Home (D) Department Notification of even number dated 3rd July, 1965 published in the Rajasthan Rajpatra Part IV(C) dated 15th August, 1965 and as amended by Notifications of even number dated 18th September, 1965, 11th October, 1965 and 17th February, 1966:—

1. The Notification will be extended to the whole of Rajasthan.
2. The period within which the licences would be obtained is extended upto 30th June, 1966.

No further extension will be granted.

[Pub. in Raj. Gaz. Ex. 4(Ga)-Dt. 3-5-66-Page 27]

HOME (D) DEPARTMENT

Jaipur, March 22, 1966

Notification No. F. 1 (67) Home (D)/63.—In exercise of the powers conferred by entry (ii) in column 5 occurring against item No. 8 of schedule II of the Arms Rules, 1962 the State Government hereby specially empowers the Superintendent of Land Customs, Barmer, to grant temporary licenses to bonafied travellers visiting India in Form VIII under the said Rules, in the District of Barmer.

[Pub. in Raj. Gaz. 4 (Ga.)—Dt. 26-5-66—Page 127(15)]

HOME (A) DEPARTMENT

Jaipur, December 24, 1966.

Notification No. F. 1 (42) HD/66.—In pursuance of rule 4 of the Arms Rules, 1962, read with Column (5) of entry 3 (e) of Schedule II thereof, and in partial modification of this Department notification No. F.1 (133) HD/62 dated the 4th February, 1963 published in the Rajasthan Rajpatra, part IV-C, dated the 14th March, 1963 the State Government hereby empowers all the Tehsildars (except in the districts of Jaisalmer and Barmer) to exercise the powers to issue and renew the licences for the whole of Rajasthan for the following categories of Arms, namely:—

(a) Air guns and Muzzle loading guns specified in entry III (M) of Schedule I, of the said Rules; and

(b) Arms, other than firearms, specified in entry V of Schedule I, of the said Rules.

[Pub. in Raj. Gaz. 4(Ga)—Dt., 22-6-67—Page 261]

Rules and Notifications under
RESERVE BANK OF INDIA ACT, 1934

Notification under

RESERVE BANK OF INDIA ACT, 1934.

CO-OPERATIVE DEPARTMENT II

Jaipur, August 12, 1966.

Declaration No. F 1 (30) Coop. 11/65.—In exercise of the powers conferred by clause (f) of Section 2 of the Reserve Bank of India Act, 1934 (Central Act 2 of 1934), and in supersession of this department Declaration of even number dated the 2nd March, 1966, the State Government hereby declares the Rajasthan State Industrial Co-operative Bank Ltd., Jaipur, to be a State Co-operative Bank within the meaning of the said clause, in addition to the Rajasthan State Co-operative Bank Ltd., Jaipur.

[Pub. in Raj. Gaz. Ex. 4 (Ga)-Dt. 12-8-66]

Rules and Notifications under

BANKING COMPANIES ACT, 1949 (ACT X OF 1949).

Rules under the Banking Companies Act, 1949.

Published in Raj. Raj-patra part IV (c) dated November 26, 1959 at page 952-61

Jodhpur, August 24, 1959.

(Amendment No. 69).

No. 7/S.R.O.—It is hereby ordered that with effect from the date of publication in the Rajasthan Gazette, the following new Rules be adopted and that the said rules be included as Chapter XXIX of Part VII of Rules of the High Court of Judicature for Rajasthan, 1952 and be substituted in place of the Rules 729 to 745 now included in the said Chapter.

In exercise of powers conferred by section 45 U and section 45 N (2) of the Banking Companies Act, 1949 (Act X of 1949) and section 129 of the Code of Civil Procedure, 1908 (Act V of 1908), the High Court is pleased to make the following rules, to come into effect on and from the date of their publication in the Rajasthan Gazette.

CHAPTER XXIX

Rules under the Banking Companies Act, 1949:

The following rules shall be substituted for existing rules 729 to 745.

729. Applications relating to Banking Companies.—(1) An application under Part III or Part III-A of the Banking Companies Act, 1949 (hereinafter in these rules referred to as "the Act") in respect of a Banking Company having its registered office or, in the case of a company incorporated outside India, its principal place of business, within the State of Rajasthan, shall be filed in the Office of the Registrar, High Court.

General Headings.—(2) Applications under Part III or Part III-A of the Act shall be instituted in the matter of the Act and in the matter of the Banking Company and where necessary in the matter of the Act under which the Banking Company has been ordered to be wound up.

Presentation and hearing of petitions under Part III or III-A of the Act.—(3) An application under Part III or Part III-A of the Act shall be made by petition and shall be signed and verified in the same manner as a plaint. The petition shall be supported by an affidavit and shall be presented to the Judge taking company winding up matters or to such other Judge as the Chief Justice may direct. The Judge may reject the application summarily or pass such orders and give such directions as he may deem proper including directions for notice of the petition being given to such person

or persons as may seem to him likely to be affected by the proceedings.

Notice of petition.—(4) Where a notice is directed to be given to any party, it shall be served, together with a copy of the petition and the petition shall not be heard until fourteen days after the service of the notice, unless the Judge otherwise directs.

730. *General duties and powers of the Special Officer.*—Without prejudice to the generality of the powers of the court under section 37 (3) of the Act:—

(a) A Special Officer appointed under section 37 (3) of the Act shall furnish security in such amount as may be ordered by the court.

(b) He shall generally have all the powers and shall take all the steps to do all the things necessary or expedient to protect the rights and interests of all the creditors and share-holders of the Banking Company and to conserve and ensure the proper disposition according to law of the assets of the Banking Company.

(c) The Special Officer may be empowered to represent the Banking Company in proceedings before any court, Tribunal or Public Officer.

(d) The Special Officer may apply to the court for such directions as he may deem necessary.

(e) The Special Officer shall, where his duties so require, maintain proper accounts.

(f) The Special Officer shall be paid such remuneration as may be determined by the court, which shall be paid, unless the court otherwise directs, from the assets of the Banking Company.

(g) The Special Officer shall continue to supervise the affairs of the Banking Company until he is removed office, or the term of his appointment terminates, or until the Banking Company resumes business or until a Liquidator is duly appointed to wind up the business of the Banking Company.

731. *Inspection of the Report of the Reserve Bank of India.*—No person, other than the parties to the proceedings and the Official Liquidator, shall be entitled to inspection of any report made by the Reserve Bank of India or be entitled to receive a copy thereof, without an order of the court.

732. *Applications in winding up to be by petition*—(1) Applications for the determination of all questions of priorities and all other questions what soever, whether of law or fact, which may relate to or arise in the course of the winding up of Banking Company, shall be made by petition. The petition shall contain a statement of facts relied on and the nature of the relief asked for. The petition shall be signed and verified in the same manner as a plaint and shall be supported by an affidavit.

Notice by petition.—(1) Petitions mentioned in the last preceding rule shall be presented to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct. The Judge shall direct notice of the petition to be given to the respondent or such person or persons as may seem to him likely to be affected by the proceedings such notice shall be served together with a copy of the petition and the petition shall not be heard until fourteen days after service of the notice, unless the Judge otherwise directs.

Affidavit in answer.—(3) An answer to the petition mentioned in the foregoing sub rule shall be made by filing an affidavit and a copy thereof shall be furnished to the petitioner or his attorney or advocate at least two clear days before the returnable date of the notice.

Directions for the hearing of the petitions—(4) On the date fixed for the hearing of the petition, the court may proceed to hear the petition or give such directions as it may think proper as to discovery and inspection, examination of witnesses in court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy determination of the petition.

733. *Transfer of suits and proceedings to the High Court*—(a) When the Official Liquidator submits to the Court a report under section 45-C (2) of the Act, he shall apply to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, for directions as to the parties to whom notice may be given and the date and time for holding an inquiry whether or not the suits and proceedings mentioned in the report should be transferred to the High Court. The notice shall contain particulars of the suit or proceeding in which the party may be concerned and require him to appear and show cause why it should not be transferred to the High Court. The notice shall be served fourteen days before the date appointed for holding the inquiry.

Affidavit in reply—(b) Any party desiring to oppose the transfer of the suit or proceedings to the High Court shall file an affidavit and furnish a copy thereof to the Official Liquidator or his attorney or advocate at least two clear days before the returnable date of the notice.

When proceedings not transferred, Court may request expedition of the same.—(c) If any proceeding pending in any court is not transferred to the High Court under section 45 C (3) the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or such other Judge as the Chief Justice may direct, may issue directions to the Registrar to write a letter or request to the court in which the proceeding is pending, requesting that the proceeding may be disposed of as expeditiously as possible.

734. *List of Debtors.*—(a) When the Official Liquidator files in the court a list of debtors under section 45-D (2) of the Act, he shall obtain an appointment from the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or from such other Judge as the Chief Justice may direct, to settle the same and shall give notice in writing of such appointment to every person mentioned in such list. The notice shall contain such of the particulars mentioned in the list of debtors as are applicable to such person. In case any variation or addition to such list is made by the Official Liquidator, a similar notice in writing shall be given to every person to whom such variation or addition applies. All such notices shall be served four weeks before the date appointed to settle such list, variation or addition.

(b) *Service of notice.*—Service of notice upon the debtors shall be effected by sending the notice through the post by a Registered letter or if the Judge so directs under certificate of posting. The notice shall be addressed to the party to his last known address or place of abode and such notice shall be considered as served at the time the same ought to be delivered in due course of delivery by the Post office and notwithstanding the same may be returned by the Post Office.

(c) *Affidavit in reply.*—If the debtor desires to show cause against the inclusion of his name in the list of debtors, he shall file an affidavit and furnish a copy thereof to the Official Liquidator or his attorney or advocate at least seven days before the day appointed for the settlement of the list.

(d) *Settlement of the list of debtors.*—On the date fixed for settlement of the list of debtors the court may settle the list or such part thereof as it may think proper. If the court is of opinion that it is not immediately possible to adjudicate upon any particular debt mentioned in the list, it may give such directions as it may think proper as to discovery and inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy adjudication of the debt. The Court may in a special case refer the Official Liquidator to a regular suit.

735. *Official Liquidator to report if he contests claims of depositors.*—If the Official Liquidator desires to contest a claim shown in the books of the company as due to a depositor on the ground that there is reason for doubting the correctness of any particular entry in the books he shall make a report to the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or to such other Judge as the Chief Justice may direct, stating his reason for doubting the correctness of such entry; and if, upon such report the Court is satisfied that there is *prima facie* reason for doubting the correctness of the entry, the Judge may cause notice to be given to depositor concerned to come in and prove his claims.

736. *Register of suits in winding up matters.*—(a) Suits in respect of claims made by or against any Banking Company in Liquidation including claims by or against any of its branches in India which are filed in the High Court or transferred to it under the Act shall be entered in separate list to be maintained by the office of the Registrar and shall be treated as expedited suits. If such suits have been filed before the date of the order for winding up, the Official Liquidator shall furnish to the Registrar a list of such suits.

(b) *Hearing of suits and matters.*—All suits referred to in the preceding rule and all matters and proceedings connected with the suits shall be heard by the Judge for the time being dealing with the proceedings for the winding up of the Banking Company or by such other Judge as the Chief Justice may direct.

(c) *Procedure in such suits.*—Where the suit is filed as a summary suit, the procedure prescribed for summary suits shall be followed. In all other cases, the suits shall be filed as a long cause and the following procedure shall be followed:—

Within ten days of the service of the writ of summons or such longer period as the Judge may direct on the application of the plaintiff in that behalf, the plaintiff shall take out a summons for directions and the Judge shall give such directions as he may think proper as to filing the written statement and counter claim if any, or points of defence, discovery, inspection, examination of witnesses in Court or in Chambers, taking of evidence by affidavit or otherwise and generally for the speedy determination of the suit.

737. *Application for inspection of records.*—The Reserve Bank of India may apply to the Judge for the time being dealing with the proceedings for the winding up of a Banking Company or to such other Judge as the Chief Justice may direct, for permission to inspect the records of the Banking Company or of the High Court in the matter of the Banking Company, and such permission may be granted by the Judge in his discretion.

738. *Recovery of dues as arrears of revenue.*—When the Court grants leave under section 45-T (3) of the Act for recovery of any amount found due to the Company, the Official Liquidator may apply to the proper Revenue Authorities to recover the said amount as an arrear of land revenue.

739. *Supervision of carrying out of compromise or arrangement.*—Where an order under section 391 of the Companies Act, 1956 (Act I of 1956), sanctioning a compromise or arrangement in respect of a Banking Company is passed, the Judge may direct the Official Liquidator or any other person to supervise the carrying out of the compromise or arrangement and to make a report to the Court in regard thereto.

740. *Rules under Chapter XXVIII to apply unless inconsistent.*—These rules shall be in addition to and not in derogation of rules under Chapter XXVIII of the Rules of the High Court, 1952. In case of inconsistency these rules shall prevail.

Civil Appeals.

741. (a) *Appeal to the High Court to be heard by Division Court.*—Subject to the provisions of section 45-N (1) of the Act, an appeal shall lie from an order or decision of Judge in a Civil proceeding under the Act to the High Court.

(b) The appeal shall be heard by a Division Court consisting of two Judges or more than two Judges if the Chief Justice so directs, other than the Judge whose decision is appealed from.

2. *Period within which appeal should be filed.*—The appeal shall be filed within 20 days from the date of the decree or order appealed from.

3. *Appeals.*—Rules relating to appeals contained in Part II, except Chapter XV of the Rules of the High Court, 1952, shall apply, *mutatis mutandis*, to appeals under section 45-N (1) of the Act.

Criminal Complaints.

742. *Presentation of complaints and issue of process*—(1) Proceedings under section 45-J of the Act shall commence with a complaint being presented by the Official Liquidator to such Judge as the Chief Justice may direct. On presentation of the complaint the Judge may issue a summons or a bailable or non-bailable warrant against the accused and shall fix a date for the trial, or may, if he thinks fit postpone the issue of process for compelling the attendance of the person complained against and may direct an inquiry or investigation to be made by Superintendent of Police or by such other person as he thinks fit, or may dismiss the complaint as he may in his discretion think fit.

(2) *Process in Criminal Cases.*—All complaints shall be filed in the Office of the Registrar and all process shall issue from his office.

(3) *What offences to be tried summarily.*—Offences punishable under the Companies Act, 1956 (Act I of 1956), or under the Banking Companies Act, 1949 (Act X of 1949), with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees may be tried in a summary way.

An offence triable under section 45-J (2) of the Act jointly with the offences mentioned in this rule may also be tried summarily provided that it is punishable with imprisonment for a term which does not exceed two years or with fine which does not exceed one thousand rupees.

(4) *Procedure in summary trials.*—(a) Where an offence triable under section 45-J (1) is tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of summons cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable. Where, however, the offence to be tried summarily under section 45-J (1) is tried jointly with an offence under section 45-J (2) the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall be applicable provided that it shall not be necessary to adjourn the case under section 256 (1) of the Code of Criminal Procedure before requiring the accused to enter upon his defence or inquiring of him whether he wishes to further cross-examine any witness whose evidence has been taken.

(b) *Procedure in non-summary trials.*—Where the offences triable under section 45-J are not tried summarily, the procedure provided in the Code of Criminal Procedure for the trial of warrant cases shall, so far as it is not inconsistent with the provisions of the Act, be applicable.

5. *Bail.*—The Court may at any time grant bail to the accused on such terms as it thinks proper.

(6) *Accused person to be competent witness.*—Any person against whom a complaint is filed by the Official Liquidator under the Act shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial: provided that—

- (a) he shall not be called or examined as a witness except with his consent;
- (b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;
- (c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged, or is of bad character, unless—
 - (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or
 - (ii) he has personally or by his Advocate asked questions of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character or the nature or conduct of the defence is such as to involve imputations on character of the prosecutor or of any witness for the prosecution, or

(iii) he has given evidence against any other person charged with the same offence.

(7) *Compounding of offences.*—All offences triable under Part III-A of the Act may be compounded with the leave of the court.

Criminal Appeals

743. *Appeal against conviction.*—(a) Any person convicted on a trial held by a single Judge of the High Court under Section 45-J of the Act may appeal to the Division Bench:—

(i) against the conviction on any ground of appeal which involves a matter of law only.

(ii) with the leave of the Appellate Court or upon the certificate of the Judge who tried the case that it is a fit case for appeal, against the conviction on any ground of appeal which involves a matter of fact only or a matter of mixed law and fact, or any other ground which appears to the Appellate Court to be a sufficient ground or appeal; and

(iii) with the leave of the Appellate Court, against the sentence passed unless the sentence is one fixed by law.

(b) *Appeal against acquittal.*—The Official Liquidator may appeal to the High Court against any order of acquittal on any ground of appeal which involves a matter of law only.

(c) *Period of limitation.*—An appeal under the preceding sub-rules shall be filed within 30 days from the date of the order appealed from.

(d) *Application to the trial Judge for a certificate.*—An application to the Judge who tried the case for a certificate that it is a fit case for appeal may be made either orally at the end of the trial or by petition giving the grounds on which such certificate is sought and showing that the period of limitation for the appeal has not expired.

(e) *Appeal to be filed with the Registrar.*—Appeals shall be filed in the office of the Registrar.

(f) *Memorandum of appeal.*—The memorandum of appeal shall be made in the form of a petition giving the grounds of objection numbered consecutively, and the grounds upon which the leave, if any, of the Appellate Court is sought. It shall also show that the appeal is within time, and shall be accompanied by a certified copy of the judgement and the sentence or order of the Court, and also of the certificate of the Judge who tried the case that it is a fit case for appeal, when such certificate has been given.

(g) *Procedure in appeals.*—On presentation of an appeal, the date of such presentation shall be marked thereon, and it shall be accepted, if within time, and placed on a register of appeals to be kept for the purpose. When an appeal to the Registrar to be beyond time, it shall be returned to the party or his advocate, unless

the party or his advocate applies for it to be placed before the Court for orders. An application for excusing the delay in presenting the appeal may be made to the Registrar within a fortnight of the date of such return, and such application shall be placed before the Court for orders.

744. *Admission of appeals.*—(a) Applications referred to in the preceding sub-rule, together with the memoranda of appeal in question and appeals which have been accepted by the Registrar being within time shall be placed for admission before a Division Bench constituted by the Chief Justice and composed of not less than 2 Judges, being Judges other than the Judges by whom the original trial was held.

(b) *Application for bail in appeal.*—Applications for bail shall ordinarily be made to the Appellate Court at the time of admission.

(c) *Application for notes of evidence.*—Upon admission of an appeal, the appellant shall apply with due diligence for a certified copy of the notes of evidence and of the requisite documentary exhibits, and shall pay the usual charges; unless the Registrar in his discretion thinks fit to dispense with such payment in whole or in part. Certified copies of the notes of evidence or of the documentary exhibits shall not be supplied before admission of an appeal except with the leave of the trial Judge.

(d) *Paper books to be prepared by appellant.*—Appeal paper books shall be prepared by the appellant and shall be printed except where such printing is dispensed with by the Appellate Court in which case the appeal paper books shall be type-written.

(e) *Contents of Paper books.*—The appeal paper book shall contain the following papers arranged in two parts in the same volume where practicable in the following order:—

Part I:—

- (1) Complaint,
- (2) Charge or charges against the accused in trial court.
- (3) Notes of evidence including statement of the accused.
- (4) Judgement including sentence or order.
- (5) Certificate of the Judge who tried the case, if any.
- (6) Order of the Appellate Court granting leave, if any.
- (7) Memorandum of Appeal.
- (8) Order admitting the appeal.
- (9) Such other papers as may be deemed necessary by the

Registrar.

Part II:—

Exhibits.

(f) *Filing of paper books.*—Within six weeks of the admission of an appeal except where the time has been extended by the Court, the appellant shall file two or more copies of the appeal paper book as may be required by the Registrar in his office and shall also furnish two copies to the respondent.

(g) *Hearing of appeals.*—After the appeal paper books have been filed, the appeal shall be set down for hearing and final disposal before a Division Bench constituted by the Chief Justice and composed of not less than 2 Judges, being Judges other than the Judge by whom the original trial was held.

(h) *Procedure on default of filing or paper books.*—Where the appellant, after admission of an appeal, does not diligently prosecute the appeal and does not file copies of the appeal paper book as required, the appeal shall be placed before the Appellate Court for dismissal. The Appellate Court may dismiss the appeal or pass such order as it may think fit.

MISCELLANEOUS

745. *Section 5, Limitation Act applicable.*—(1) The provisions of section 5 of the Indian Limitation Act shall apply to appeals Civil or Criminal under the Act.

(2) *Code of Civil Procedure, Code of Criminal Procedure & High Court Rules to apply.*—The provisions of the Code of Civil Procedure, the Code of Criminal Procedure and the Rules of the High Court, 1952, unless inconsistent with these rules shall apply *mutatis mutandis* to civil and criminal proceedings and appeals under these rules.

Rules and Notifications under

BAR COUNCIL ACT, 1926 (CENTRAL ACT NO 38 OF 1926)

FIRST RULES UNDER SECTION 6, BAR COUNCILS ACT, 1926

RAJASTHAN HIGH COURT, JODHPUR.

NOTIFICATION

Jodhpur, January 29, 1952.

No. 2/Gen.—In exercise of the powers conferred under section 6 clause (2) of the Indian Bar Councils Act (XXXVIII) of 1926, the High Court of Judicature for Rajasthan has been pleased to make the following Rules:—

Notes

911 Section 6 (1) of the Bar Council Act authorises Bar council to frame Rules, consistent with the act, regarding constitution and procedure of Bar councils. Sub-section 2 of section 6 provides that, (2) The First Rules under this section shall be made by the High Court, but the Bar council may thereafter, with the previous sanction of the High Court, add to, amend or rescind any rules so made.

The High court of Judicature for Rajasthan has therefore in exercise of this power framed these first Rules:

1. In these rules,—

(a) "High Court" means the High Court of Judicature for Rajasthan at Jodhpur.

(b) "Registrar" means the Registrar of the High Court.

(c) "District Judge" means a Judge presiding over a district court in the State of Rajasthan.

2. The Registrar shall classify the advocates entered in the roll prepared under section 8, sub-section (2) of the Indian Bar Councils Act as follows:—

(a) those who have, for not less than ten years, been entitled as of right to practise in the High Court;

(b) those who, other than those mentioned in clause (a), are entitled to practise in the High Court.

For the purpose of clause (a) of this sub-rule, the period during which any legal practitioner was entitled as of right to practise in the High Court of a former State integrated in Rajasthan shall be included in the period during which he was entitled as of right to practise in the High Court.

(ii) Each advocate on the list shall be assigned a number and shall have entered against his name, his permanent place of business.

(iii) The list so prepared shall be sent to the Presidents of the Bar Association at Jodhpur and Jaipur. It shall also be sent to every District Judge for communication to the legal practitioners in his jurisdiction.

(iv) Any legal practitioners entitled to have his name entered in the list and whose name is not so entered or whose name is entered in the wrong division of the list may, within such time as may

be fixed by the High Court for this purpose, apply to him for correction of the list, and the Registrar on being satisfied that the name has been wrongly omitted or entered may cause a proper entry to be made,

(v) The corrections made by the Registrar under the provisions of sub-rule (iv) shall be notified in the manner prescribed by sub-rule (iii).

3. (a) After the corrections in the list have been notified, the Registrar shall notify the period fixed for the receipt of letters of nomination.

(b) The notification under sub-rule (a) shall be published in the Rajasthan Gazette on a date not less than ten days before the commencement of the period. It shall also be published in the manner prescribed by Rule 2 (iii).

(c) The period during which nominations shall be received shall be of a duration of not less than ten days (including any intervening holidays).

4. (a) Every candidate for election as a member of the Bar Council shall be nominated by five voters by letter addressed to the Registrar, and signed by each of such voters, the signatures being attested by the presiding officers of a civil Court under his seal.

(b) The letter shall bear the assent of the candidate nominated for election and such assent shall also be attested in the manner indicated in clause (a).

(c) The letter shall also indicate the number assigned in the electoral list, and the place of business, of each of the proposers, and of the candidate.

5. (a) The nomination letter shall be delivered to the Registrar by hand or by post within the period notified under rule 3 (a).

(b) The Registrar may submit to the Administrative Judge any nomination as to the validity of which he may have any doubt and subject to the provisions of rule 13, the decision of the Administrative Judge shall be final.

(c) In the event of a proposal being held to be invalid, the fact shall be notified forthwith to the candidate by the Registrar and the candidate may thereupon submit another proposal within the period fixed under rule 3 (a), but in default of the candidate being so notified, he shall not be entitled to submit another proposal after the time prescribed by rule 3 (a).

6. (a) As soon as may be, after the expiry of the period fixed for the receipt of nominations, a list of nominations admitted as valid shall be posted on the notice board of the High Court at Jodhpur and Jaipur and copies of the list shall also be sent to Presidents of the Bar Associations at Jodhpur and Jaipur.

(b) The list of candidates shall be divided into two parts, the first containing the names of candidates to whom clause (a) of rule 2

(i) applies, and the second part containing the names of candidates to whom clause (b) of rule 2 (i) applies.

7. After the list of valid nominations has been published, the Registrar shall send to each elector by post, a copy of the voting paper, containing the list of valid nominations, and stating the time and date on or before which it must be returned in a closed cover either in person or through registered post. The date thus specified shall not be less than 14 days from the date of posting the voting paper.

8. (a) The elector shall put a cross mark (X) against the name (or names) of the person (or persons) for whom he votes and sign the voting paper.

(b) Every voter may vote for ten candidates, but he shall not be entitled to vote for more than five candidates out of those included in the second part of the list mentioned in rule 6 (b).

(c) No voter may give more than one vote to any one candidate.

9. The Registrar or in his absence the Deputy Registrar shall provide for the custody of voting papers, which shall be kept in closed covers unopened until the time and date fixed for the counting and scrutiny of such voting papers. Due notice of such time and date (a) shall be given by post to all candidates, (b) shall be posted on the Notice Board of the High Court at Jodhpur and at Jaipur and (c) shall also be sent to the President of the Bar Association at Jodhpur and at Jaipur.

10. The candidates, or their duly authorised representatives, and the Presidents of the Bar Associations or their duly authorised representatives shall have a right to be present during the counting and scrutiny of voting papers.

11. The Registrar, or in his absence, the Deputy Registrar, shall open the covers containing the voting papers and scrutinise them in the presence such of the persons mentioned in Rule 10, as may be present.

The votes received by each candidate shall be recorded, and a return showing the number of votes obtained by each candidate, and the number of voting papers rejected as invalid shall be prepared.

12. The five advocates mentioned in section 4, sub section (2) of the Indian Bar Councils Act shall be those five who answering that description have obtained the highest number of votes. The remaining five advocates to be declared elected shall be those who have obtained the highest number of votes excluding from consideration the five above mentioned.

13. If any question should arise as to the validity of the election of a member, the High Court shall constitute a Tribunal to determine the matter.

14. The Registrar shall publish in the local official gazette, as soon as may be after the election, the names of the elected members of the Bar Council and shall communicate the fact of such election to each such member.

15. A nominated or elected member of the Bar Council shall hold office for three years from the date of the first meeting of the Council after his nomination or election; provided that a member nominated or elected to fill a casual vacancy shall for the purpose of this rule, be deemed to have been nominated or elected on the date when the person whose place he takes was nominated or elected.

16. When a member of the Bar Council dies, resigns or becomes incapacitated before the expiration of the three years mentioned in rule 15,—

(a) the High Court shall nominate another person to be a member, if the member dying, resigning or becoming incapacitated was a member nominated under the provisions of section 4, sub-section (1) (b) of the Indian Bar Councils Act; and

(b) in the case of an elected member the Bar Council shall elect another member, but so that not less than five of the elected members at any time are advocates whose names appear in part (a) of the list.

17. The Secretary of the Bar Council shall be chosen by the members at the first meeting, and until so chosen, the Registrar shall carry out the duties, if any.

18. The Bar Council shall hold not less than two meetings every year.

19. The Secretary shall convene all meetings of Bar Council.

20. Seven members shall constitute a quorum for a meeting of the Bar Council.

21. The Secretary shall in the notice convening each meeting specify the object thereof and the matters to be discussed therein.

22. In case of difference of opinion amongst the members present, the matter on which such difference has arisen shall be decided by votes of the members present.

23. Where such votes are equally divided, the Chairman, or the member presiding at the meeting, shall have a casting vote.

24. If at a meeting less than seven members are present, it shall be adjourned for not less than fourteen days, and at the adjourned meeting no quorum shall be necessary.

25. Membership of the Bar Council shall automatically determine in the case of any member absent for three consecutive meetings.

26. The Bar Council shall, at its first meeting, proceed to elect a Chairman and a Vice-Chairman by ballot.

27. The Chairman shall preside at each meeting, and in his absence the Vice-Chairman shall preside, and in the absence of both, the members present may elect one of themselves to preside at a meeting.

28. The terms of office of the chairman and Vice-Chairman shall be the same as their terms of office as members.

By Order,

M. L. RAZDAN,

Registrar.

RULES UNDER SECTION 6 OF THE BAR COUNCILS ACT, 1926

RAJASTHAN HIGH COURT, JODHPUR.

NOTIFICATION

Jodhpur, October 21, 1957.

No. 17/SRO/8/52.—The following Rules made by the Bar Council with the previous sanction of the High Court under section 6 of the Indian Bar Councils Act, are hereby published for general information.

Notes

The enabling Section 6 of the Bar Council Act under which these rules have been framed reads as under :

(1) Rules, consistent with this Act, may be made to provide for the following matters, namely :—

(a) the manner in which elections of members of the Bar Council shall be held; the method of determining, in accordance with the provisions of sub-section (2) and (3) of section 4, the candidates who shall be declared to have been elected; the manner in which the result of elections shall be published ; and the manner in which and the authority by which doubts and disputes as to the validity of an election shall be finally decided ;

(b) the terms of office of nominated and elected members of the Council ;

(c) the filling of casual vacancies in the Council ;

(d) the convening of meetings of the Council, and the quorum necessary for the transaction of business thereat.

(e) the manner of election and the respective terms of office of the Chairman, in cases where the Chairman is to be elected, and of the Vice-Chairman ; and

(f) any matter incidental or ancillary to any of the foregoing matters.

(2) The first rules under this section shall be made by the High Court, but the Bar Council may thereafter, with the previous sanction of the High Court, add to, amend or rescind any rules so made.

(3) No election of a member or members to the Council shall be called in question on the ground that due notice thereof has not been given to any person entitled to vote thereat, if notice of the date fixed for the election has, not less than thirty days before that date, been published in the Official Gazette of the [State], or of each [State], as the case may be, in which the High Court exercises jurisdiction.

(4) Rules made under clause (b) of sub-section (1) may provide for the retirement of members from office by rotation and for the manner in which the order of such retirement shall be determined.

Rules under section 6 of the Bar Council Act.

(1) In these rules unless there is anything repugnant in the subject and context—

(a) 'Act' means the Indian Bar Councils Act;

(b) 'High Court' means the High Court of Judicature for Rajasthan;

(c) 'Bar Council' means the Rajasthan Bar Council;

(d) 'Chairman' means the Chairman of the Rajasthan Bar Council or in his absence Vice-Chairman as provided by section 4 (4) of the Act:

These rules have been first published Rajasthan Raj-patra Dated December 5, 1957 in part IV (c) at page 721.

(e) 'Secretary' means the Secretary or any other person to be appointed by the Bar Council to perform the duties of its Secretary;

(f) 'District Judge' means the Judge presiding over a district court in the State of Rajasthan.

(2) (1) The Secretary shall classify the Advocates entered in the roll maintained by the High Court under section 8 (2) in the Act and prepare a list thereof accordingly. Such list shall be known as Electoral list. The Advocates shall be classified as follows:—

(a) Those who have, for not less than ten years, been entitled as of right to practise in the High Court.

(b) Those who are entitled to practise in the High Court but are not covered by sub-clause 2 (1) (a).

Explanation.—For the purpose of Cl. (a) of this sub-rule, the period during which any legal practitioner was entitled as of right to practise in the High Court of a former State or any area integrated with Rajasthan shall be deemed to be included in the period during which he was entitled as of right of practise in the High Court.

(II) Each Advocate on the Electoral lists shall be assigned a number and, shall have entered against his name his permanent place of business;

(III) The lists so prepared shall be sent to the Presidents of Bar Associations at all district head-quarters in Rajasthan and all the District Judges who would place the same on the notice Boards of the Bar Associations and the district courts respectively.

(IV) Any legal practitioner entitled to have his name entered in the list and whose name has not so been entered or whose name is entered in the wrong division of the list, may within such time as may be fixed by the Chairman by a notice published in one or more daily papers having circulation in Rajasthan, for the purpose, apply to the Secretary for the correction of the list in that regard and the Secretary on being satisfied that the name has been wrongly omitted or entered may cause a proper entry to be made;

(V) The corrections made by the Secretary under the provisions of sub-rule 4 shall be notified in the manner prescribed by sub-rule (III).

(3) (a) After the corrections in the lists have been notified, the Secretary shall notify the period fixed for the receipt of letters of nomination;

(b) The notification under sub-rule (a) shall be published in one or more daily papers having circulation in Rajasthan on a date not less than 10 days before the commencement of period. It shall also be published in the manner prescribed by rule 2 (III).

(c) The period during which nominations shall be received shall not be less than 10 days including any intervening holidays.

(4) (a) Every candidate for election as a member of the Bar-Council shall be nominated by five voters by a letter to the Secretary

and signed by each of such voters, the signatures being attested by the Presiding Officer of a Civil Court under its seal;

(b) The letter shall bear the assent of the Candidate nominated for election and such assent shall also be attested in the manner indicated in clause (a);

(c) The letter shall also indicate the number assigned in the electoral list and the place of business, of each of the proposers, and of the candidate.

(5) (a) The nomination letter shall be delivered to the Secretary by hand or by post within the period notified under Rule (3) (a);

(b) The Secretary may submit to the Chairman any nomination as to the validity of which he may have any doubt and subject to the provisions of Rule 13 of these rules. The decision of the Chairman shall be final;

(c) In the event of a nomination being held to be invalid, the fact shall be notified forthwith to the candidate by the Secretary and the candidate may submit thereupon another nomination within the period fixed under Rule 3 (a), but in default of the candidate being so notified he shall not be entitled to submit another nomination after the time prescribed by Rule 3 (a).

(6) (a) As soon as may be, after the expiry of the period fixed for the receipt of nominations, a list of nominations admitted as valid shall be pasted on the Notice Boards of the High Court at Jodhpur and Jaipur and copies of the list shall also be sent to the Presidents of the Bar Associations at the head quarters of the District Judges;

(b) The list of candidates shall be divided into two parts, the first containing the names of candidates to whom Cl. (a) of Rule 2 (1) applies, and the Second part containing the names of the candidates to whom Cl. (b) of the Rule 2 (I) applies;

(7) After the list of valid nominations has been published, the Secretary shall send to each voter by post a copy of the voting paper containing the list of valid nominations and stating the time and date on or before which it shall be returned in a closed envelope, either in person or through registered post. The date so notified shall not be less than 14 days from the date of posting the voting paper.

(8) (a) The Voter shall put a cross mark (x) against the name/ names of the person/persons for whom he votes and sign the voting paper;

(b) Every voter may vote for 10 candidates, but he shall not be entitled to vote for more than 5 candidates out of those included in the Second Part of the list mentioned in Rule 6 (b).

(c) No voter may give more than one vote to any one candidate.

(9) The Secretary shall provide for the custody of voting papers which shall be kept in close covers unopened until the time and date fixed in the counting and scrutiny of such voting papers. Due notice of such time and date (a) shall be given by post to all candi-

dates, (b) shall be pasted on the Notice Boards of the High Court at Jodhpur and at Jaipur and (c) shall also be sent to the Presidents of the Bar Associations at the headquarters of District Courts.

(10) The candidates, or their duly authorised representative and the Presidents of the Bar Associations or their duly authorised representatives shall a right to be present during the counting and scrutiny of voting papers.

(11) The Secretary or any other person authorised by the Chairman shall open the covers containing the voting papers and scrutinize them in the presence of such of the persons mentioned in Rule 10 as may be present.

The votes received by each candidate shall be recorded and a return showing the number of votes obtained by each candidate, and the number of voting papers rejected as invalid shall be prepared.

(12) The five Advocates mentioned in section 4, sub section 2 of the Indian Bar Councils Act shall be those five who answering that description have obtained the highest number of votes. The remaining five advocates to be declared elected shall be those who have obtained the highest number of votes excluding from consideration the five above mentioned.

(13) If any question should arise as to the validity of the election of a member, the High Court shall constitute a Tribunal to determine the matter.

(14) The Secretary shall publish in the Rajasthan Rajpatra, as soon as may be after the election, the names of the elected members of the Bar Council and shall communicate the fact of such election to each such member.

(15) A nominated or elected member of the Bar Council shall hold office for three years from the date of the first meeting of the Council after his nomination or election provided that a member nominated or elected to fill a casual vacancy shall for the purpose of this rule, be deemed to have been nominated or elected on the date when the person whose place he takes was nominated or elected.

(16) When a member of the Bar Council dies, resigns or becomes incapacitated before the expiry of the three years mentioned in Rule 15.

(a) The High Court shall nominate another person to be a Member, if the member dying, resigning or becoming incapacitated was a member nominated under the provisions of section 4 of the sub section (1) (b) of the Indian Bar Councils Act, and

(b) in the case of an elected member, the Bar Council shall elect another member, but so that no less than five of the elected members at any time are advocates whose names appear in part (a) of the list.

(17) The Secretary of the Bar Council shall be appointed by the Bar Council.

(18) The Bar Council shall hold not less than 2 meetings every year.

(19) The Secretary shall convene all the meetings of the Bar Council with the approval of the Chairman.

(20) Seven members shall constitute a quorum for the meeting of the Bar Council.

(21) The Secretary shall in the notice convening each meeting specify the object thereof and the matters to be discussed therein.

(22) In case of differences of opinion amongst the members present, the matter on which such differences has arisen shall be decided by votes of the members present.

(23) Where such votes are equally divided, the Chairman or the member presiding at the meeting, shall have a casting vote.

(24) If at a meeting less than seven members are present, it shall be adjourned for not less than 14 days and at the adjourned meeting no quorum shall be necessary.

(25) Any elected or nominated member of the Bar Council, who fails to attend three consecutive meetings of the Bar Council, shall, unless the Bar Council otherwise directs, be deemed to have vacated his seat and to have caused a casual vacancy and he shall not be eligible for appointment or re-election of such a casual vacancy.

(26) The Bar Council shall, at its first meeting proceed to elect a Chairman and Vice-Chairman by ballot.

(27) The Chairman shall preside at each meeting, and in his absence the Vice-Chairman shall preside, and in the absence of both, the members present may elect one of themselves to preside at a meeting.

(28) The terms of the office of the Chairman and the Vice-Chairman shall be same as their terms of office as members.

(29) The funds received by the Bar Council shall be at its disposal for the payment of such salaries and other expenses as the Bar Council may incur in promoting the objects for which it is constituted.

By Order
M. L. RAZDAN.
Registrar.

RULES UNDER SECTION 12 OF THE BAR COUNCILS ACT, 1926

RAJASTHAN HIGH COURT, JODHPUR. NOTIFICATIONS.

Jodhpur, November 27, 1953.

No. 27/S.R.O.—In exercise of the powers conferred under section 12 clause (1) of the Indian Bar Council Act (XXXVIII) of 1926, the High Court of Judicature for Rajasthan has been pleased to make the following rules :—

Notes.

Section 12 (1) of the Indian Bar Council Act, 1926 requires the High Court to make rules for prescribing the procedure to be followed by Tribunals and by District Courts, respectively, in the conduct of inquiries referred under section 10 of the Act. Section 10 reads as under—

(1) The High Court may, in the manner hereinafter provided, reprimand, suspend or remove from practice any advocate of the High Court whom it finds guilty of professional or other misconduct.

(2) Upon receipt of a complaint made to it by any Court or by the Bar Council or by any other person that any such advocate has been guilty of misconduct, the High Court shall, if it does not summarily reject the complaint, refer the case for inquiry either to the Bar Council or, after consultation with the Bar Council, to the Court of a District Judge (hereinafter referred to as a District Court) and may of its own motion so refer any case in which it has otherwise reason to believe that any such advocate has been so guilty.

The High Court of Judicature for Rajasthan has, therefore, framed these rules for the purposes of inquiries under section 10 of the Act.

The subsequent corrections made in these rules vide Corrigendum No. 7/S.R.O. dated 10/3/1954 published in Rajasthan Rajpatra, Part II dated 20/3/54 have been incorporated in these rules.

1. *Preliminary*:—These Rules are framed by the Court under section 12 (1) of the Indian Bar Councils Act, 1926, hereinafter referred to as the Act.

2. *Procedure on a case being referred to Council*:—Upon a case being referred to the Council for enquiry under sub-section (2) of section 10 of the Indian Bar Councils Act, 1926, the Secretary of the Bar Council, who shall act as clerk to the Tribunal, shall—

(a) open an index of the case together with an order sheet wherein entries relating to action taken at each stage of the enquiry till its conclusion shall be made;

(b) call from the High Court for all such necessary documents and records relating to the case as have not already been received;

(c) supply a copy of the complaint and the reference to all members of the Tribunal, to the Advocate appearing on behalf of the person or authority making the complaint (here-

These rules have been first published in Rajasthan Raj-patra Dated January 23, 1954 part 2 at page 1573.

inafter referred to as the complainant), and to the Advocate whose conduct is the subject of the complaint hereinafter referred to as the advocate and

(d) convene a meeting of the Tribunal on the earliest suitable date, giving notice thereof to the complainant or his Advocate and the advocate concerned.

3. *Framing of charge and issue of notice.*—The Tribunal shall:—

- (a) frame a charge against the advocate;
- (b) call from the High Court for all such further documents and records relating to the case as may be necessary;
- (c) fix the date, hour and place of the enquiry;
- (d) hand over to or cause a copy of the charge to be served upon the complainant and the advocate;
- (e) require the advocate to deliver to the clerk of the Tribunal his written reply to the charge within fourteen days of the date of receipt of a copy of the complaint under rule 2 (c) and
- (f) require the complainant and the advocate to apply to the clerk to the Tribunal within a further period of fourteen days for the summoning of any evidence they may desire to produce, depositing with the application the necessary expenses, or to bring their evidence before the Tribunal on the date fixed without invoking its assistance:

Provided that where the case has been referred by the High Court of its own motion or at the instance of a subordinate court or where the High Court in a case in which the complaint is not made by the Bar Council, for sufficient reasons which shall be recorded in writing, considers that the complainant should not pay the cost of summoning evidence the process fees and the cost of calling witness or of issuing commission or of summoning records shall be borne by Government, being debited to the appropriate head in the Court budget.

4. *Issue of summonses.*—Summonses to witnesses shall be issued by the clerk to the Tribunal and sent for service to the district Judge concerned.

5. *Summoning of record.*—If the Tribunal needs any record other than those referred to in rule 2 (b) a letter shall be sent to the Registrar who shall on receipt of the prescribed fee, except in a case in which such fee may not be chargeable under the proviso to rule 3, summon the same from the court or office concerned and forward it to the Tribunal.

6. *Process fees, etc.*:—(1) Process fees, travelling and diet allowances, fees for summoning records and inspection and copying charges in enquiries conducted by the Tribunal shall be on the same scale as in the Court. In the case of enquiries by the district Judge they shall be on the scale provided in General Rules (civil) for his court:

(2) Copies of all documents on the record of the case may be obtained by Advocates appearing in the case or by the advocate on payment of the requisite charges :

Provided that in a case covered by the proviso to rule 3 the Advocate appearing for the complainant may obtain copies free of charge.

7. *Power to reject application to summon witnesses etc.*:—The Tribunal may reject an application for the summoning of a witness or document or record if in its view the application is vexatious or has been made to cause delay or the summoning of the witness, document or record, as the case may be, is not necessary for the enquiry or for any other sufficient reason to be recorded on the order-sheet.

8. *Issue of commission*:—Rule 15 of Order XXVI of the Code and the rules contained in General Rules (Civil) with respect to the payment of expenses shall with necessary modifications and adaptations apply to commissions issued under clause (c) of sub-section (1) of section 13 of the Act:

Provided that where the case is covered by the proviso to Rule 3, any question connected with the expenses of commission shall be referred to the Chief Justice and the directions given by him shall be followed.

9. *Representation of parties*:—In an enquiry arising out of a complaint made by the Bar Council the complainant shall be represented before the Tribunal by a member of the Bar Council nominated by it or by an Advocate. In any other case covered by the proviso to rule 3 the Chief Justice shall nominate an Advocate to represent the complainant.

The Advocate appointed by the Chief Justice or the member nominated or the Advocate appointed, by the Bar Council may obtain instructions in the case from the person aggrieved by the alleged misconduct of the advocate. The Advocate may appear in person or by an Advocate.

10. *Vakalatnama or memorandum of appearance by Advocates*:—Advocates appearing for the complainant or for the advocate shall file a properly stamped vakalatnama if they wish to appear and act and may file only a memorandum of appearance if they wish only to plead before the Tribunal.

11. *Absence of parties*:—(1) In a case in which the complaint has been made to a person other than any court or the Bar Council, if the complainant or his Advocate does not appear or appears and states that he desires to withdraw the complaint the Tribunal shall have discretion either to adjourn the case or to proceed with it or to report to the Court that the complainant has failed to appear, or has appeared and stated that he wishes to withdraw the complaint and that it is unnecessary or impossible to proceed.

(2) If neither the advocate nor the Advocate representing him appears on the date fixed and the complainant appears the Tribunal may proceed with the enquiry *ex parte*.

(3) If both parties and their Advocates are absent the Tribunal may either adjourn the case or submit a finding or make a report to the Court.

(4) On receipt of a report under sub-rule (1) or (3) the Court may pass such orders as it may deem fit.

12. *Record of evidence before Tribunal*:—The evidence of witnesses examined before the Tribunal shall be taken down to the dictation of the President and may be taken down in short-hand.

The record of the evidence or the transcript of the short hand notes shall be read over or explained to the witness and corrected by him, if necessary, with the permission of the President. Thereafter it shall be signed by the President.

13. *Record of evidence before district Judge*:—If the enquiry is conducted by the district Judge the evidence of witnesses examined before him shall be recorded either by the district Judge himself or to his dictation in short-hand by such official as may be appointed for the purpose. The record of the evidence if recorded by the district Judge or the transcript of the short-hand notes, if the evidence is recorded in short hand, shall be read over or explained to the witness and corrected by him, if necessary, with the permission of the district Judge. Thereafter it shall be signed by the district Judge.

14. *Commencement of enquiry*:—At the commencement of the enquiry the charge shall be read over to the advocate. His written reply shall then be read out and he shall be called upon to supplement his written reply and to plead orally to the charge, if he so chooses.

The Tribunal may at any stage of the enquiry put such questions to the complainant, the advocate or any witness as it may deem necessary and proper. It shall be open to the Tribunal at any stage of the inquiry to amend the charge of its own motion or an application by a party or to allow an amendment of the written reply. An amendment of the complaint, unless it be of a formal nature, shall be made only with the approval of the Court.

15. *Prosecution*:—If after considering the reply to the charge the Tribunal deems proper to proceed with the enquiry the case shall be opened on behalf of the complainant and the examination, cross-examination and re-examination of the witnesses produced in support of the charge shall follow.

16. *Defence*:—The advocate shall then be called upon to enter upon his defence. The case shall be opened on his behalf and the examination, cross-examination and re examination of the witnesses produced by him in his defence shall follow.

The advocate may also offer himself for examination on oath and in that case shall be allowed to be examined, cross-examined and re examined.

17. *Adjournment etc.*:—The Tribunal may from time to time adjourn the hearing of the enquiry or call for such other oral or documentary evidence as it may consider necessary or make such orders and give such directions in regard to the enquiry and all matters relating thereto as it may deem fit and shall make all such orders as may be necessary in regard to matters specified in section 13 of the Act.

18. *Findings*:—(1) At the conclusion of the enquiry the Tribunal shall record its finding on each charge giving reasons for the same. The finding shall be signed by each member concurring therein, separate findings being recorded by such member or members as do not concur in them:

Provided that the Tribunal may at any stage of the enquiry close the enquiry and record its findings if the Tribunal is unanimously of opinion that no case is made out against the advocate or that no useful purpose would be served by proceeding with the enquiry any further.

(2) The Tribunal shall forward its findings to the Court through the Bar Council not later than six months from the date of receipt of the reference. If for special reasons it is unable to do so it shall record its reasons and communicate them at once to the Court.

19. *Application of the Code*:—In all matters not provided for by these Rules the Tribunal shall, so far as may be, follow the procedure prescribed by the Code and the principles of natural Justice.

20. *Procedure before district Judge*:—Where a case has been referred under sub-section (2) of section 10 of the Act to district Judge, the procedure indicated in Rules 2 to 8 and 10, 11, 14 to 19 shall, with such modifications and adaptations as may be necessary, be followed.

21. *Representation of complainant before district Judge*:—At any enquiry before the district Judge, the Government Pleader shall, unless the Chief Justice or the district Judge otherwise directs, represent the complainant.

22. *Filing of objection on receipt of finding by the Court*:—On receipt of the findings from the Tribunal or the district Judge, as the case may be, a date shall, be fixed for the hearing of the case and notice thereof given to the Bar Council, the Advocate General and the Advocate, who may file objections to such finding within ten days of the receipt of such notice.

23. *Hearing before the Court*:—(1) Where the finding is adverse to the advocate he or his advocate shall be heard first. The

Advocate-General or the Advocate for the Bar Council or both will then, if necessary, be heard in reply. Thereafter the advocate will, if necessary, be heard again in reply.

(2) Where the finding is in favour of the advocate the Advocate-General or the Advocate for the Bar Council or both will, if they desire to challenge the finding, be heard first. The Advocate will then, if necessary, be heard in reply. Thereafter the Advocate-General or the Advocate for the Bar Council or both will, if necessary, be heard in reply to the advocate.

24. *Further enquiry*:—(1) Neither the Advocate-General nor the Bar Council nor the advocate shall be entitled as of right to call any further evidence.

(2) If in the opinion of the Court any further finding be desirable, the case shall be referred back to the Tribunal or the district Judge, as the case may be, for a further finding after taking such further evidence as may be directed by the Court.

(3) On return of such further finding the case shall be re-heard in accordance with the procedure indicated above.

25. *Copy of Court's order to be sent to Bar Council*:—A copy of the final order passed by the Court shall be sent by Registrar to the Bar Council for record.

c By Order of the Court,
K. L. BOHRA,
Registrar.

RULES UNDER SECTION 9 OF THE BAR COUNCILS ACT, 1926

RAJASTHAN HIGH COURT, JODHPUR NOTIFICATION

Jodhpur, may 13, 1954.

No 24/S R.O.—The following Rules made by the Bar Council with the previous sanction of the High Court under section 9 of the Indian Bar Councils Act, are hereby published for general information,

By Order,
M. L. RAZDAN,
Registrar

Notes

Sec. 9 of the Bar Council Act under which these rules have been framed reads as under.—

(1) The Bar Council may, with the previous sanction of the High Court, make rules to regulate the admission of persons to be advocates of the High Court :

Provided that such rules shall not limit or in any way affect the power of the High Court to refuse admission to any person at its discretion.

(2) In particular and without prejudice to the generality of the foregoing power, such rules shall provide for the following matters, namely :—

(a) the qualifications to be possessed by persons applying for admission as advocates ;

(b) the form and manner in which applications shall be made to the High Court for admission ;

(c) the giving of notice by the High Court to the Bar Council of all such applications :

(d) the hearing by the High Court of any objection preferred on behalf of the Bar Council to the admission of any applicant ; and

(e) the charging of fees payable to the Bar Council in respect of enrolment.

(3) Rules made under this section shall provide that no woman shall be disqualified for admission to be an advocate by reason only of her sex.

Qualifications and admission of Advocates

1. (i) The following persons shall be qualified for admission as Advocate of the High Court :—

(a) Any person who holds LL. M. or any equivalent or higher degree of any University established by law in the Union of India and who has read for atleast one year in the chamber of an approved advocate of the Rajasthan High Court;

(b) Any person who is a Barrister of England or Ireland or a Member of the Faculty of Advocates in Scotland or who holds the LL. B. or any other higher or equivalent degree of a University established by law in the Union of India or who obtained any such degree from the University of Dacca, Lahore or before August 15, 1947, and who is also a graduate in Arts, Science, Commerce or Agriculture of any such University or who has passed the Advocates

These rules have been first published in Rajasthan Raj-patra Dated August 7, 1954 in part IV (c) at page 263.

Examination held by the Bombay Bar Council constituted under Indian Bar Councils Act, 1926, before June 1941, and who has either practised for not less than two years as a pleader in the courts subordinate to a High court of any State or has held Judicial Office in any State for a period of not less than five years.

Explanation.—Practice as a Vakil of the 2nd grade under the rules of a High Court or an authority exercising the powers of a High Court in any of the Covenanted States shall be deemed to be a practice as a pleader.

(c) Any person who holds the LL. B. or any other higher or equivalent degree as mentioned in clause (b) whose name is borne on the roll of Advocates of any other High Court in the Union of India and who has been practising as such Advocate for a period of not less than two years preceding his application for enrolment provided that such an Advocate gives an undertaking in his application to have his name removed from the roll of Advocates of that High Court within 6 months from the date of his admission to the Rajasthan High Court.

d) Any person whose name is borne on the roll of Advocates or Vakils of the first grade of any High Court or an authority exercising the powers of the High court in any of the Covenanted States of Rajasthan and who was entitled to appear, act or plead in such Court or authority:

Provided that if such person not holding the LL. B. or any higher or equivalent degree of any University established by law in the Union of India had failed to apply by the end of December 1951, he shall not be enrolled as an Advocate hereafter.

(e) Any displaced person who had been practising as an Advocate immediately before his displacement in any area now included in Pakistan or was entitled to practise in the High Court or any authority exercising the functions of a High Court.

(ii) The Chief Justice and the Judges on the recommendation of the Bar Council may relax the provision of any of these rules and permit the enrolment of any other person who, in their opinion, is otherwise qualified to be enrolled as an advocate.

Note:—‘Approved Advocate’ in Rule I (i) (a) above means an advocate of less than 10 years standing who is approved by the Bar Council for this purpose.”

Notes.

This rule stands as substituted through Notification No. 13/SRO dt 31/3/58 published in Raj. Raj Patra Pt 4 (c) dt 12/6/58

2. No woman shall be disqualified for admission to be an Advocate merely by reason of her sex.

3. The mode of application for admission as an Advocate shall be by petition, containing the applicant's name, father's name and place of business. The applicant shall state in the petition, whether he holds any salaried appointment, or carries on any trade

or business, and that it is his intention to practise permanently in Rajasthan, or whether he has been in any way punished by order made in proceedings for professional misconduct, or was refused admission or was struck off the rolls of any High Court in India or convicted by a criminal court for any offence or was adjudged an insolvent and has not been discharged.

Explanation.—The term “salaried appointment” does not include any part time appointment relating to the teaching or other work connected with law.

4. Every person at the time of applying for enrolment shall give an undertaking that if he accepts thereafter any employment, he shall not practise during the period of such employment and shall give an intimation of such employment to the Registrar, High Court and the Bar Council forthwith. No Advocate shall accept any employment which, in the opinion of the High Court and the Bar Council, is derogatory to the status of an Advocate and he shall, at the time of enrolment, undertake accordingly.

5. The application shall further contain a declaration in writing by the applicant that he will truly and honestly and to the best of his knowledge and ability act and demean himself as an Advocate and faithfully observe and obey all orders in force or which shall thereafter be made by the court, and all the rules made by the Bar Council for regulating the conduct of Advocates on the Rolls of Advocates of the Court.

Explanation:—Any breach of the undertaking given under the above rule shall be deemed to be professional misconduct.

6. The petition shall be addressed to the High Court and shall be presented to the Registrar, High Court, or to the District Judge of the District concerned who shall forward the same to the Registrar.

7. (1) The applicant, if he is not already enrolled as a Legal Practitioner, shall present along with his petition, the documents herein-after mentioned: Provided that the High Court may order the production of such documents, even if the applicant is already so enrolled.

(i) (a) The certificate of the applicant's call to the English or to the Irish Bar, or of his admission to the Faculty of Advocates in Scotland; or

(b) the certificate of the applicant's having passed the examination for the LL. B. degree or any higher or equivalent degree of any University established by law in India, or the Advocates Examination held by the Bombay Bar Council; or

(c) the certificate of the applicant's having passed the examination for the LL. B. degree prior to August 15, 1947, held by the University of Dacca, Lahore or Sind; and

(ii) Satisfactory testimonials of good character and conduct.

If the original certificates mentioned in clauses (i), (a), (b) or (c) cannot for any sufficient reasons be produced the applicant shall

produce other satisfactory evidence of his call to the Bar, admission to the Faculty of Advocates or passing the LL. B. Examination or Advocates Examination held by the Bombay Bar Council, as the case may be.

(2) Every pleader who applies to be admitted as an Advocate under clause (b) of rule 1 shall file with his application a certificate in the prescribed form from the Presiding Officer of the Court in which he has been practising, and also from the District and Sessions Judge of the District in which he has been practising.

8. On receipt of the application the Registrar shall cause a notice of the said application to be served on the Secretary, Bar Council, together with a copy of the application intimating that the application will be taken into consideration after fifteen days from the service of the notice and asking whether the Bar Council has any objection to the granting of the application.

9. If the Bar Council prefers any objection to the admission of the applicant, such objection shall be laid before the High Court for hearing in accordance with the provisions of section 9, sub-section 2 (d) of the Bar Councils Act.

10. At such hearing the applicant and the Bar Council will be entitled to be heard and represented by counsel if they so choose.

11. If no objection is preferred or objection is over-ruled by the High Court, the Registrar shall place before the Judge nominated for the purpose by the Chief Justice, the application mentioned in Rule 2 together with the certificates. If the Judge orders the enrolment of the applicant, he shall be admitted to the rolls of Advocates of the High Court of Judicature for Rajasthan. A certificate of admission on the prescribed form shall be supplied to the applicant on payment of the necessary fees and stamp duty (if any)

12. The applicant whose application for enrolment has been accepted by the Judge shall be admitted to the Roll's of the Advocate of the High Court provided that within three months of the date of the order he pays to the Bar Council in cash the fee payable under rule 14 below.

On failure of the above condition the order of enrolment shall automatically stand cancelled. There shall be no forfeiture of any deposit. But if the applicant petitions to condone the delay in complying with this condition, the delay may be condoned on payment of an additional fee of Rs. 10/- to the Bar Council.

13. If the objection preferred by the Bar Council to the application is upheld, the application shall be deemed to have been refused.

14. The fee payable to the Bar Council in respect of enrolment as an Advocate will be rupees one hundred which shall be paid to the Secretary of the Council. and the Secretary of the Bar Council shall on receipt of the fee immediately inform the High Court.

15. Admissions made prior to these Rules coming into operation shall be deemed as if made under these Rules but the advocates admitted as well as enrolled prior to such operation shall pay a fee of Rs. 10/- to the Bar Council within 3 months of the publication of these Rules and in case of non payment within the prescribed period, his name will be liable to be taken off the rolls : Provided that the delay may be condoned by the Bar Council on payment of an additional fee of Rs- 10/- to the Bar Council.

15A. An advocate who was entitled to practise in the court of Judicial Commissioner of the Former State of Ajmer and now recognized as an advocate entitled to practise in the High Court of the new State of Rajasthan under Notification No. 22/S. R. O. dated 1-11-56 issued by the Hon'ble Chief Justice under section 53 (2) of the States Reorganisation Act, shall within three months of the publication of this rule pay a fee of Rs. 10/- to the Bar Council and in default of such payment within the prescribed period, his name shall be liable to be taken off the roll of advocates, unless the delay is condoned by the Bar Council on payment of an additional fee of Rs. 10/-.

Notes

This rule has been newly added by notification No. 14/SRO dt 31/3/58 published in Raj, Raj Patra pt 4 (c) dt 12/6/58.

16. No advocate shall receive any moneys or securities for money unless he is distinctly authorised by his power of attorney to receive the same.

17. Except with the special leave of the court concerned, no Advocate shall, in his own name, or in the name or names of any other person or persons purchase any property or any share of interest in any property sold in execution of a decree or order in any suit, appeal or other proceeding in which he was, in any way, professionally engaged.

RULES UNDER Section 15 (a) (b) & (e) of the Bar Councils Act, 1926

Rajasthan High Court, Jodhpur.

NOTIFICATION

Jodhpur, May 13, 1954.

No. 23/S.R.O.—The following Rules made by Bar Council with the previous sanction of the High Court under Section 15 (a), (b) and (e) of the Indian Bar Councils Act, are hereby published for general information.

By Order
M. L. RAZDAN,
Registrar.

Notes

Section 15 of the Bar Council Act authorises a Bar Council, with the previous sanction of the High Court for which it is constituted, to frame rules consistent with the Act to provide for and regulate following matters :—

(a) The Rights and duties of the advocates of the High Court and their discipline and professional conduct ;

(b) The conditions subject to which advocates of other High Courts may be permitted to Practise in the High Court ;

(e) the investment and management of the funds of the Bar Council; and

I. Briefs.

1. An advocate is bound to accept any brief in the Court in which he professes to practise at a proper professional fee, according to the length and difficulty of the case unless there are special circumstances which *inter alia*, would include personal relationship, want of time, ill health, the fact that the client has already retained another lawyer, a belief that in the special circumstances, the case is one which ought not to be advocated in court, to justify his refusal.

2. An advocate ought not to recommend another advocate as his leader, unless requested by his client to do so.

3. An advocate should not take instructions in any case except from the party on whose behalf he is retained, or some person who is the recognised agent of such party within the meaning of the Code of Civil Procedure, or is a pleader or vakil or solicitor employed by such party for the case, or some servant, relative or friend believed by the advocate to be authorised by the party to give such instructions.

II Restrictions upon Practice.

1. An advocate who is a Magistrate should not practise in any of the Magisterial courts of the district in which he exercises such powers.

2. No advocate should appear before a local authority of which he is a member.

These rules have been first published in Rajasthan Raj-patra Dated September 4, 1954 part IV (c) at page 281.

3. No advocate should appear in a case against the local authority of which he is a member.

4. It is undesirable for an advocate to appear in a court in which his father or other near relative is the sole Judge.

5. An advocate who is suffering from leprosy or any other dangerous malady of a contagious nature should discontinue practice as long as the malady lasts.

6. No advocate while practising shall engage in trade or business or accept an appointment carrying a salary without previously obtaining the permission of the Bar Council and the High Court. The letter asking for permission should be addressed to the High Court through the Secretary of the Bar Council.

III Conduct of case.

1. According to the best traditions of the profession, an advocate should (whilst acting with all due courtesy to the tribunal before which he is appearing) fearlessly uphold the interests of his client without regard to any unpleasant consequences either to himself or to any other person.

IV Unprofessional conduct.

1. An advocate should not do anything by way of advertisement or touting for business.

2. An advocate should not tender, give or consent to the retention out of any fee paid or payable to him for his services, of any gratification for procuring or having procured the employment in any legal business of himself or any other advocate, or directly or indirectly procure or attempt to procure the employment of himself through or by the intervention of any person to whom any remuneration for obtaining such employment has been given by him, or agreed or promised to be so given.

3. An advocate should not accept employment in any legal business through a person who has been proclaimed as a tout under Section 36 of the Legal Practitioners' Act, or is believed to be a tout.

4. It is unprofessional for an advocate to traffic in litigation in any way whatsoever directly or indirectly.

5. It is not professional misconduct where in the absence of any instructions from the first client an advocate appears for the opposite party in a subsequent proceeding which is not directly connected with or in continuance of the first proceeding. But briefs may not be accepted for opposite party in execution proceedings or in appeals following engagement in the suit itself or in Sessions Court following engagement in original trial or commitment proceedings.

6. An advocate should not wilfully neglect to appear and conduct a case after he has received full fees. An advocate is justified in not appearing if his full fees for such appearance have not been paid.

7. Taking fees as an advocate in a case where the advocate is in fact a party is improper conduct.

8. Filing a false certificate of fees is unprofessional. It is illegal to obtain a bond or promissory note for fees and to file a certificate of fees on its basis.

9. Writing intimidating letters to any court or libellous articles against a court is unprofessional.

10. Purchasing property in a court-auction in execution of his clients decree is professional misconduct; notwithstanding that the advocate purchases it for other persons.

11. To enter into an agreement with a client for a present over and above his fees in case of success is unprofessional for an advocate. His conduct amounts to misconduct if he attempts to extract supplemental fee at the last moment and absents himself on failure to pay.

12. Misappropriation of the client's money entrusted to an advocate is professional misconduct.

V Advocate's Fees.

1. Each Bar Association should lay down a minimum fee for giving professional advice, for drafting and for other miscellaneous work, suitable to the particular locality.

An advocate may for special reasons work without charging any fee at all.

2. Any fee in excess of the minimum or those fixed by the High Court may be fixed by agreement between the advocate and the client.

3. Each Bar Association may lay down the proportion of fees payable to a junior member of that Association when appearing in a case with a senior member of the same association.

4. Where a senior and junior are engaged in a case for the same purpose, it is the duty of both to see that both are paid in case either is not paid, the other would be justified in refusing to work.

VI Retainers.

1. An advocate who has accepted a retainer from a party should not accept the retainer or brief offered by the opposite party, unless he has given the former reasonable notice and that party has defaulted in giving him the brief within a reasonable time; and in such case the retainer is forfeited.

2. An advocate who has drawn up pleadings for or given advice to any party shall not accept a retainer or brief from any other party without giving the former an opportunity of retaining or delivering a brief to him.

3. No advocate can be required to accept a retainer or brief or to advise or draw pleadings in any case where he has previously advised another party on or in connection with the same case, and he ought not to do so in any case in which he would be embarrassed in the discharge of his duty by reason of confidence reposed in him by the other party or his action would be inconsistent with the obliga-

tion of any retainer held by him, and in any such case it is his duty to refuse to accept such retainer or brief or to advise or to draw pleadings, and in case such retainer or brief has been inadvertently accepted, to return the same.

4. If an advocate knows or has reason to believe, that he will be an important witness of fact in a case about to be tried, he ought not to accept a retainer in the case.

5. If an advocate accepts the retainer, but at the opening or any subsequent stage of the case before the evidence is concluded it becomes apparent that he is a witness on material question of fact which is in issue he ought not to continue to appear as counsel unless in his opinion he cannot retire from the case at that stage without jeopardising the interests of his own client.

6. If an advocate knows, or has reason to believe that his own professional conduct in matters out of which the action arises is likely to be impugned in the case, he ought not to accept a retainer in such action.

7. If an advocate neither knows nor has reason to believe when he accepts the retainer that his professional conduct is to be impugned as aforesaid but finds in the course of the case that it is so impugned he ought to adopt the same course as in Rule 5.

8. In either of the cases (5) and (7) there is no rule of professional ethics which debar an advocate, if he continues to act as counsel in the case, from going into the witness-box and being cross-examined.

9. It is not justifiable for an advocate to accept a retainer or brief in a case in which he has acted in a judicial or quasijudicial character as Commissioner or Arbitrator.

RULES UNDER SECTION 15, CLAUSES (b) AND (c) OF THE ACT.

I. Rules under clause (b).

An advocate on the roll of any other High Court in India may by special permission of the Chief Justice or the Bench hearing the case appear and plead in the court in such case, provided that (1) there be with him an advocate on the roll of the court engaged in the case, and (2) he pays a fee of Rs. 50/- to the Bar Council in respect of such proceedings.

II. Rules under clause (c).

1. The funds of the Bar Council shall be invested in Government securities.

2. All moneys received by the Treasurer shall be sent to a scheduled bank, and all expenses except petty items shall be paid by cheque drawn on the said bank.

3. Every cheque on the bank shall be signed by the Treasurer.

4. The Treasurer shall maintain a true account of all income and expenditure together with proper vouchers.

5. The account shall be audited every year by such agency as the council may by resolution determine.

NOTIFICATIONS UNDER
BAR COUNCIL ACT, 1926

LAW DEPARTMENT.

NOTIFICATION.

Jaipur, August 28, 1951

No. F. 8 (39) L.R./51.—In exercise of the power conferred under sub-section (2) of section 1 of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), the Government of Rajasthan is pleased to declare the High Court of Judicature for Rajasthan to be a High Court to which the said Act applies.

Jaipur, August 28, 1951.

No. F. 8 (39) L.R./51.1.—In exercise of the powers conferred under sub-section (3) of section 1 of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), the Government of Rajasthan is pleased to direct that the other provisions of the said Act shall come into force in respect of the High Court of Judicature for Rajasthan on the date of publication of this Notification in the Rajasthan Gazette.

Rules and Notifications under

BHOODAN YAGNA ACT, 1954. THE RAJASTHAN
(16 OF 1954)

NOTIFICATIONS UNDER
RAJ. BHOODAN YAGNA ACT, 1954

Published in Raj. Raj-patra Dated January 15, 1955 part I (b) at page 649 :

Jaipur, January 7, 1955.

No F. (6) 38 B. Rev.B/53—In pursuance of sub-section (2) of section 4 of the Rajasthan Bhoodan Yagna Act, 1954 (Rajasthan Act XVI of 1954), it is hereby notified for general information that in exercise of the powers conferred by sub-section (1) of the said section, Shri Acharya Vinoda Bhawe has nominated the following personnel on the Rajasthan Bhoodan Yagna Board:—

- | | |
|--|------------|
| 1. Shri Gokul Bhai Daulat Ram Bhutt | Chairman. |
| 2. Shri Puran Chandra Jain | Secretary. |
| 3. His Highness Maharao Shri Bhim Singhji of Kotah | Member. |
| 4. Shri Mohan Lal Sukhadia, Chief Minister, Rajasthan. | Member. |
| 5. Shri Sidhraj Dhada, Sarvodaya Kendra, Khimal, Rani Marwar | Member. |
| 6. Shri Balwant Singh Mehta, Udaipur | Member. |
| 7. Shri Kanhaiya Lal Dugar Gandhi Vidaya Mandir Sardar Shahar, Churu | Member. |
| 8. Shri Sadiq Ali, Udaipur | Member. |
| 9. Shri Kesarपुरी Goswami, Gram Vidhyalaya Suvana, Bhilwara | Member. |

By Order of
His Highness the Rajpramukh,
GULZARI LAL,
Secretary to the Government.

Rules and Notifications under

BOILERS ACT 1923 (CENTRAL ACT No. 5 OF 1923).

Rajasthan Boiler Rules, 1954

Notification No. D. 5899/F. 3 (22)/Lab./59, issued by the Industries 'C' Department dated July 1, 1960 and published in Rajasthan Raj-patra, part IV (c) has effected following additions and substitutions in the rules as previously appearing in volume I of Rajasthan Rules Compendium :—

1. Rule 1 A has been newly added.
2. In rule 41 for the word "section" occurring in the heading, the word "sanction" has been substituted.
- 3 Rule 42 has been substituted for previous rule 42 which stood as under :—

42. *Special fee for inspections out of season.*—If an owner or person in charge of a boiler fails to avail himself of the services of the Inspector during the usual periods for visiting the district and applies for inspection at a time which would necessitate a special journey by the Inspector than before the Inspector undertakes such a journey the owner or person in charge shall, in addition to the registration or inspection fee, pay such sum into the Government Treasury to cover the rail, conveyance and travelling allowance charges of the Inspector from the nearest headquartes as the Chief Inspector may determine.

4. In rule 56 for the word "of" occurring between the words "notice" and "report appealed against" in second line, the word "or" has been substituted.
5. In rule 57, for the words "and if it is to be heard by the appellate authority, obtain a date for the hearing of, the appeal from the President of the Court" words now appearing in brackets have been substituted.
6. In rule 59, new paragraph appearing seperately has been added.
7. Present rule 62 has been substituted for the previous one which stood as under :—

62. *President of Appellate Court.*—The State Government shall appoint an Officer to be President of the Appellate Court for such period as it thinks fit. The President shall be an officer who has exercised the powers of a judge or magistrate or a person who is a barrister, advocate, pleader or a graduated-in-law of any recognised University and has exercised or is exercising the powers of a court within the meaning of section 3 of the Indian Evidence Act, 1872.

8. Present rule 64 has been substituted for the former one which read as under :—

64. *Constitution of Appellate Court.*—Whenever the date for an appeal before the Appellate Court has been fixed, the Chief Inspector shall, under the orders of the President of the Court, arrange for the attendance of 3 members of the panel constituted the preceding rule to act as assessors.

9. Present rule 65 has now been newly substituted. Previous rule 65 ran as under :—

65. *Costs in appeals.*—In appeals before the Appellate Court, the Presidents authorised to fix the costs and recover them from the appellant in any case in which the appeal is dismissed; in all cases of appeal in which a local inspection is required by the appellant he shall deposit in advance the full cost of such inspection.

10. Rule 68 has been newly added.

Rules under the Indian Boilers Act, 1923 (V of 1923)

Notes

Section 29 of the Indian Boilers Act authorises the State Government to make rules consistent with the Act and regulations made there under for all or any of the following purposes, viz.:—

(a) for prescribing the qualifications and duties of the Chief Inspector and of Inspectors, for prescribing or constituting authorities to which they shall respectively be subordinate, and the limits of the administrative control to be exercised by such authorities;

(b) for regulating the transfer of boilers;

(c) for providing for the registration and certification of boilers in accordance with the regulations made under this Act;

(d) for requiring boilers to be in charge of persons holding certificates of competency, and for prescribing the conditions on which such certificates may be granted;

(e) for prescribing the times within which Inspectors shall be required to examine boilers under section 7 or section 8;

(f) for prescribing the fees payable for the issue of renewed certificates and the method of determining the amount of such fees in each case;

(g) for regulating inquiries into accidents;

(h) for constituting the appellate authority referred to in section 20, and for determining its powers and procedure;

(i) for determining the mode of disposal of fees, costs and penalties levied under this Act; and

(j) generally to provide for any matter which is, in the opinion of the State Government, a matter of merely local importance in the State.

In exercise of the powers conferred by the above section the Government of Rajasthan has framed the following rules.

(1) Rajasthan Boiler Rules, 1954.

(2) Rajasthan Economisers Rules, 1954.

(4) Rajasthan Boiler Attendants Rules, 1954.

RAJASTHAN BOILERS RULES, 1954. NOTIFICATION

Jaipur, January 15, 1954.

No. F. 15 (12) Lab./52.—In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (Act No. V of 1923), the Government of Rajasthan is pleased to make the following Rules the same having been previously published as required by section 31 of the said Act.

By Order of His Highness the
Rajpramukh,
G. L. MEHTA,
Secretary to the Government.

I.—Preliminary

1. *Short title*—These rules may be called the Rajasthan Boilers Rules, 1954.

These shall come into force with immediate effect.

1A. *Extension to Abu, Ajmer and Sunel Area.*—These rules shall also extend to Abu, Ajmer and Sunel area on and from the

These rules have been first published in Rajasthan Raj-patra Dated May 1, 1954 part IV (c) at page 40.

1/3/60 and as from the date, the corresponding rule in force in such areas shall be repealed.

2 *Definitions*.—In these rules, unless there is any thing repugnant in the subject or context —:

- (a) 'the Act' means the Indian Boilers Act, 1923;
- (b) "Section" means a section of the said Act;
- (c) "Regulation" means a regulation framed by the Board under section 28 of the said Act;
- (d) 'Rule' means a rule framed by the Government of Rajasthan under section 29 of the said Act,
- (e) "Commissioner" means the Commissioner of Labour, Rajasthan.

3 *Payment of fees* —All fees, payable under the Act or any regulation or rule framed thereunder, shall be deposited by the payer in a Government Treasury under the head "XXXVI—Miscellaneous Departments Fees for the Inspection of Steam Boilers". An application under section 7 or section 8, to which the treasury receipt obtained on payment of the prescribed fee is attached shall be deemed to, be accompanied by the prescribed fee.

Notes.

Section 7 of the Act provides for the registration of any Boiler and section 8 of the Act provides for the renewal of the certificate of registration. The above rule prescribes the fee payable for an application under section 7 and 8 of the Act.

II.—Duties of the Chief Inspector.

Notes.

Part II and Part III of these rules prescribe the duties of Chief Inspector and Inspectors. These duties have been prescribed in pursuance of sub-sections (1) and (2) of section 5 which read as under :—

(1) The State Government may appoint such persons as it thinks fit to be Inspectors for the State for the purposes of this Act, and may define the limits within which each Inspector shall exercise the powers and perform the duties conferred and imposed on Inspectors by or under this Act.

(2) The State Government shall likewise appoint a person to be Chief Inspector for the State, who may, in addition to the powers and duties conferred or imposed on the Chief Inspector by or under this Act, exercise any power or perform any duty so conferred or imposed on Inspectors.

4. *Administrative Control* —The Chief Inspector shall work under the administrative control of the Commissioner and shall submit to him :—

- (a) an Annual Report on the administration of the Act;
- (b) such other reports and returns as may be called for;

5. *Duty of General control*.—The Chief Inspector is vested with all the powers of an Inspector under the Act. His duty, consist in supervising and controlling the work of the Inspectors, and he should actually inspect or examine in exceptional cases, or where he considers that the work of an Inspector requires a personal check.

6. *Specific duties*.—Chief Inspector shall :—

- (a) personally check the registration particulars and calculations submitted by Inspectors for all boilers inspected

for registration as prescribed in the Regulations and enter under his own signature the approved working pressure and all orders required by section 7;

(b) enter under his own signature any subsequent entries required in the registration book;

(c) obtain from the State of registry the registration book of any boiler the transfer of which is reported under section 6 (b);

(d) fix the area under the control of each Inspector;

(e) approve the programmes of all Inspectors subordinate to him with due regard to the convenience of owners generally;

(f) examine and countersign the Inspector's Memorandum of Inspection Book of each boiler after each inspection;

(g) examine and pass orders on the diaries and returns of Inspectors;

(h) pass orders in all cases in which an Inspector proposes to increase or reduce the pressure allowed for any boiler under section 8, or to revoke, cancel or refuse to renew the certificate of a boiler under section 11, or to order important repairs, structural alterations, or renewals in a boiler under section 8;

(i) pass orders in all cases in which it is reported that after due notice the boiler has not been properly prepared for inspection;

(j) decide all appeals against the order of an Inspector under section 19;

(k) sanction prosecutions under the Act;

(l) inquiry into serious accidents to boilers,

7. *Instructions to owners.*—It shall be the duty of the Chief Inspector to advise owners as regards the maintenance, working and cleaning of boilers, he should issue a set of instructions on the lines indicated in Form C of the Appendix. These instructions should be hung up in each boiler house.

8. *Registers to be kept.*—The Chief Inspector shall keep in his office—

(a) a Register in Form A of all boilers registered in the State, or the registry of which has been transferred from another State;

(b) the Registration Book and Memorandum of Inspection Book of all boilers borne on his register;

(c) a Register of appeals;

(d) a Register of accidents;

(e) a Register of registration and inspection fees received.

9. *Control of bills.*—The Chief Inspector shall be the controlling or countersigning authority in respect of all contingent bills and of travelling allowance bills of officers subordinate to him.

III.—Duties of Inspectors.

10. *Subordinate to Chief Inspector.*—Inspectors shall be directly subordinate to and under the control of the Chief Inspector; they should ordinarily be appointed to take charge of specific areas.

11. *General duties of Inspectors.*—The main duties of Inspector, as laid down in the Act, are the inspection and examination of boilers and steam-pipes. Inspections shall be carried out in strict accordance with the Regulations and Chapters IV and V of these rules.

12. *Inspectors to see that boilers are worked according to law.*—In addition to the inspection and examination of boilers, it is the duty of Inspectors to search for unregistered or uncertificated boilers within their areas, and to see that certificated boilers are worked in accordance with the terms of their certificates and with any regulation or rule under the Act for their safe working.

13. *Inspectors to advise owners.*—At the time of inspection, Inspectors should advise the owner and the person in charge of the boiler on the management and upkeep of the boiler with special reference to the amount of cleaning required in view of the quality of water used.

14. *Specific duties.*—Inspectors shall—

(a) prepare a programme of inspections regard to convenience of owner generally in the most suitable order of places to save time and expenditure in cross journeys and submit it at such periods as may be prescribed at least 14 days before the first date fixed in the programme to the Chief Inspector for approval to enable the 10 days notice required under section 7 and 8 to be given to the owner;

(b) maintain a Memorandum of Inspection Book for each boiler under their charge and submit it to the Chief Inspector for examination and counter-signature after each inspection ;

(c) keep a diary for weekly submission to the Chief Inspector, showing places visited, boilers registered or inspected with fees paid thereon, variations from the programme and any other important particulars ;

(d) receive applications for registration or inspection under sections 7 or 8, proposals for repairs, alterations, or renewals under sections 12 and 13, and reports of accidents under section 18;

(e) inquire into accidents to boilers and steam pipes and report to the Chief Inspector;

(f) report to the Chief Inspector cases of unreported accidents discovered at the time of inspection;

(g) submit for the orders of the Chief Inspector—

(1) the Memorandum of Inspection Books of all boilers proposed for registration under section 7;

(2) proposals for increasing or decreasing the pressure of a boiler after inspection under section 8;

(3) proposals for necessary repairs, structural alterations or renewals to a boiler under section 8 or 12;

(4) proposals for revoking, cancelling or refusing to renew a certificate under section 11 or 8;

(5) report when boilers have not been properly prepared for inspection under section 14;

(6) proposals for prosecutions under the Act.

15. *Inspections at special times.*—No examination of a boiler shall be made by an Inspector for the purpose of registering or issuing a certificate for a boiler on a Sunday or gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector in each case. In such cases an extra fee equal to the usual registration or inspection fee for the boiler may be charged and half of the extra fee may be paid to the Inspector.

16. *Attendance during hearing of appeals.*—Under orders of the Chief Inspector, Inspectors shall attend during the hearing of appeals with regard to boilers under their charge before the Chief Inspector or the Appellate Authority.

17. *Registers to be kept.*—Every Inspector in charge of an office shall keep—

(a) a Register in Form A of all registered boilers situated within his jurisdiction;

(b) a Register of accidents;

(c) a Register of registration and inspection fees received.

IV. Administrative Instructions for Registration.

18. *Importance of registration*—Technical regulations for the registration of boilers and the scale of fees for registration are prescribed in Chapter IX of the regulations. The details of measurements recorded at the time of registration constitute a permanent record for the boiler and determine the original pressure at which the boiler is allowed to work. It is accordingly essential that the work should be done with the greatest care and precision.

19. *Receipt of applications.*—Applications for registration shall be made under section 7 (1) to the Chief Inspector, and shall be accompanied under rule 3 by a receipt for the prescribed fee. No application shall be accepted without the receipt. No boiler shall be registered if on measurement the fee is found to be deficient, until the deficient has been paid. Any excess payment will be refunded at the time of registration.

20. *Necessity of avoiding delay.*—It is essential that no delay should occur in registration. In large towns, the measurements under section 7 (3) should ordinarily be completed and the report submitted to the Chief Inspector within 7 days of the receipt of the application; in no case should the interval exceed 30 days. The Chief Inspector should issue his orders under section 7 (4) without delay.

21.—*Register of registered boilers.*—The Chief Inspector shall maintain a Register of registered boilers in serial order in Form A in two parts; in Part I (boilers originally registered in the State) the registered number of the Register. Gap number due to boilers being broken up or transferred to another State shall not be filled up. In Part II (boilers originally registered in other States) entries shall be made as prescribed in Rule 23. Inspectors in charge of an office shall keep a similar Register for all boilers within their jurisdiction.

22. *Procedure on transfer of a boiler.*—Whenever a boiler is transferred from another State into the State of Rajasthan the owner shall, under section 6 (b) apply to the Chief Inspector for the registration of the transfer; the boiler cannot be used until registration has been effected. The Chief Inspector shall then obtain from the State from which the boiler was transferred the Registration Book and Memorandum of Inspection Book of the boiler. No fee shall be charged for recording transfers.

23. *Entry of transferred boiler in Register.*—On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the boiler under its original number in Part II of his Register, and shall instruct the Inspector of the local area in which the boiler is situated to enter it similarly in his Register. The Registration Book and the Memorandum of Inspection Book shall be kept in the Chief Inspector's Office.

24. *Note of transferred and dismantled boilers.*—Whenever a boiler has been transferred to another State or broken up, the fact shall be noted in the Register. In the case of a boiler that has been permanently dismantled the Registration Book and the Memorandum of Inspection Book shall be destroyed.

V. Administrative Instructions for Inspection.

25.—*Procedure at inspections : internal inspection.*—Detailed instructions for the inspection of boilers are contained in Chapter IX of the Regulations. The following general procedure at inspection should be observed :—

At a thorough inspection of a boiler the Inspector should, when the size and construction of the boiler permit, go inside it and make a thorough inspection of all its internal parts. But before doing so he should satisfy himself that proper provision has been made for disconnection from any other boiler under steam.

Should he find that proper provision for disconnection has not been made or that the boiler has not been properly cleaned or scaled or that it is unreasonably hot he should decline to proceed with the inspection and should report the facts to the Chief Inspector for orders under section 14 (2) of the Act.

When a boiler is of such a size or its construction is such that the Inspector cannot go inside it there must be sufficient sight holes or hand holes provided to enable him to see the principal internal parts. If any important part of a boiler is so constructed that the

Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

26. *External inspection.*—Boilers must be examined externally as well as internally; particular attention should be paid to the external parts of the boilers where in contact with seating blocks and brick work, especially when the situation is damp. Having regard to many serious defects discovered, Inspector should take care, in order to ensure proper inspection, that boilers, or which the whole of the outside cannot be readily examined, are cleared whenever they consider it necessary of any concealing covering, supports or fittings.

Saddle tanks and engine fittings of locomotive type boilers should be removed for inspection of the parts underneath at the first inspection and at any reasonable period afterwards if the Inspector cannot satisfy himself. If the owners in any special case have any good reasons for not wishing to clear covered parts the case should be submitted to the Chief Inspector for orders. The Inspector must keep in mind that he is not to certify as efficient any boiler regarding the condition of which he cannot thoroughly satisfy himself.

27. *Casual working inspections.*—At the inspection of one of a battery of boilers the inspector should take the opportunity of examining the other boilers under steam with special reference to the water gauges, pressure gauges and safety valves.

28. *Proposals for reduction of pressure.*—When the Inspector decides that a boiler in one or more of its parts is no longer fit for the pressure approved for it he should, without delay, report his proposals for reducing the pressure to the Chief Inspector and at the same time his calculations for the wasted parts for check and approval of pressure. With regard to pitting and wasting of shell plates the Inspector must bear in mind that shell plates ordinarily are considerably stronger in the body of the plate, owing to being unpierced, than at the seams and consequently may become reduced in thickness to an appreciable extent in the body of the plate, i.e., elsewhere than at the seams, and still be stronger than the seams.

29. *Repairs to boilers.*—Under section 12 of the Act the sanction of the Chief Inspector to all repairs proposed for boilers must be obtained beforehand.

A few water tubes or smoke tubes, however, may in an emergency be renewed pending the sanction of the Chief Inspector but all such cases must be reported immediately to the Chief Inspector who may, if he deems fit, notify his sanction to the owner without verification of the renewals by an Inspector.

Generally in repairing boilers the object to be obtained is to make up for damage or wastage by suitable compensation, either by renewal or repair of the part affected. Covering patches applied with the object of hiding defects are a source of danger and must not be passed.

Welding by electric and oxy-acetylene processes may be employed in the repair of boilers, but as the efficiency of the welding depends largely on the skill and care of the operator each case will have to be decided on its merits.

Extensive repairs such as renewal of furnaces, end plates, parts of shell, fireboxes, girders, etc., should be supervised, so far as his other duties permit, by the Inspector, and at such times when fireboxes and smoke tubes of locomotive type boilers are withdrawn, advantage of the opportunity should be taken to inspect the internal parts otherwise inaccessible to close inspection. Repairs to boilers are prescribed in Chapter IX Regulation 392 of the Regulations.

30. *Entries in Memorandum of Inspection Books.*—An Inspector shall, as soon as convenient after an inspection, make the necessary entries in the Memorandum of Inspection Book for the boiler and submit the book to the Chief Inspector. Care be taken to preserve the books and to keep them clean. Inspection notes should briefly state to what extent boilers were cleared of the brick-work, lagging parts or concealing or concealing parts, the general condition of the boiler, parts requiring attention or repair and special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Books all casual visits, inspections of steam pipes, visits for inspection of repair, inquiry into accidents, etc., and so provide a useful record of the history of the boiler for the information and guidance of Inspectors at subsequent inspections.

In making inspections it is important that the Inspector should pay particular attention to entries made in the Memorandum of Inspection Book at previous inspections.

31. *Entries in certificates.*—In addition to the entries required to be made under the regulations in a certificate for a boiler the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brick-work or other concealing part for the next inspection to enable the owner to have the same property prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column should be entered the year of repair and description of repair effected. Only important repairs should be noted.

His remarks should be brief. In the absence of remarks on the condition of boiler the boiler, will be considered to be in good condition.

32. *Engraving of Registry Number.*—Paper slip of the proper size bearing the registry number allotted for a boiler will be supplied by the Chief Inspector. The slip should be pasted on the part of by the boiler pointed out by the Inspector and the device

traced through with a cutting tool. The engraving should then be completed by the removal to the prescribed depth of the metal between the traced lines.

33. *Arranging for inspections.*—In arranging for inspections particular attention should be paid to the provisions of rule 14 (a). The notice required by section 7 (2) and 8 (4) shall be sent in form "B". If a hydraulic test is necessary in addition to the ordinary inspection ample notice must be given to the owner.

34. *Issue of certificates and provisional orders*—In cases in which the Inspector is empowered to issue a certificate under section 8 without reference, the certificate should ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order the Inspector must satisfy himself that the boiler is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

35. *Provisional orders to be issued after hydraulic test.*—Provisional orders should be issued in every case of registration after hydraulic test of boiler if the Inspector is satisfied.

The steam test may be witnessed at any convenient time within the period of the provisional order after which, if test was satisfactory, the certificate under section 7 (6) is to be issued.

36. *Forms of provisional orders and certificates*—Provisional orders and certificates are prescribed in Forms V & VI respectively of the Regulations

The period specified any provisional order or certificate shall begin on the day following that on which the enabling through inspection or hydraulic test is made. Where a certificate supersedes a provisional order during the period of its currency, the period of the certificate shall be retrospective and shall begin from the same time as that of the provisional order.

37. *Duplicate Certificates.*—A duplicate of any certificate granted under section 7 or section 8 which is at the time in force shall be granted by the Chief Inspector on the application of the owner of the boiler if the Chief Inspector satisfied that the duplicate is required for a *bonafide* purpose and the fee prescribed under rule 44 is paid.

38. *Fees for inspection*—Fees for inspection shall be calculated on the basis of boiler rating, prescribed in Chapter IX. Regulation 384 of the Regulations. The following fees are prescribed:—

Registration fees—Fees for registration and first inspection of boilers are prescribed in Regulation 385 of the Regulations.

Inspection fees.—Fees for ordinary inspection of boilers shall be levied in accordance with the following scale:—

Ss.

For boiler rating not exceeding 100

60

| | | | |
|-----------------------------|-----------------------|--------|-----|
| For boiler rating exceeding | 100 but not exceeding | 300 | 70 |
| " | " | 300 | 500 |
| " | " | 500 | 70 |
| " | " | 700 | 90 |
| " | " | 900 | 105 |
| " | " | 1,100 | 120 |
| " | " | 1,300 | 135 |
| " | " | 1,600 | 145 |
| " | " | 2,000 | 150 |
| " | " | 4,000 | 180 |
| " | " | 6,000 | 195 |
| " | " | 8,000 | 210 |
| " | " | 10,000 | 230 |
| " | " | 10,000 | 250 |

Provided that when any owner is willing to accept a renewed certificate for less than twelve months in order to approximate the date of annual inspection to the date on which other boilers in the locality are inspected, a certificate for such period less than twelve months as may be necessary for such approximation of date may be granted at a reduced fee to be calculated at one twelfth of the ordinary fee for each full month, portion of a month not being reckoned.

39. *Fee to cover inspection and tests*—A fee paid for the inspection of a boiler shall cover thorough inspection, hydraulic test and steam test where such are necessary, subject to the provisions of section 14 (2)

40. *Second fee in default*.—A second fee will be leviable for re-inspection in any case where the inspection of a boiler is begun, but owing to the fault or neglect of the owner or person in charge, is not completed within a period of six months from the date of commencement of inspection.

41. *Sanction of Chief Inspector to second fee*—No extra fee shall be levied except with the sanction of the Chief Inspector.

42. *Special fee for inspections out of season*.—For Inspections carried out on applications made before the date of expiry of a certificate, no travelling expenses of the Inspector and staff shall be leviable. In cases, where the owner requires the inspections at any date prior to the expiry of a certificate, the Chief Inspector may, in addition to the inspection fees, charge the travelling expenses from the owner of the Boiler. If the owner applies for inspection, after the expiry of the certificate, he shall be liable to pay the travelling expenses of the Inspector and his staff at the discretion of the Chief Inspector.

If the inspection is carried out at the request of the owner at a time other than the specified one, to suit the convenience of the owner, the travelling expenses of the inspector and the staff shall be realised from the owner.

43. *Fee for copy of Registration Book* :—

For each copy..... Rs. 10/-

44. *Duplicate certificate fees.*—Fees for duplicate certificates under rule 31 :—

For each Rs. 5/-

45. *Refund of fees.*—Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner or person in charge of the boiler has not made, shall be refunded if a refund is applied for within one year from the date of payment.

VI. Accidents.

46. *Investigation of accidents*—On the receipt of a report of an accident to a boiler or steam-pipe under section 18, the Inspector should, with the least possible delay, proceed to the place of investigation the accident. If the report is received by the Chief Inspector, he should forward it at once to the Inspector within whose jurisdiction the accident has occurred for necessary action.

47. *Procedure during inquiry.*—The Inspector at his inquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purpose of his report as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in the style of the Reports of Preliminary Enquiries under the British Boiler Explosion Act, 1882 & 1890.

48. *Power to hold inquiry writing.*—Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of such 18 (2), the Inspector should present to the owner or person in charge of the boiler a series of written questions on all points that are material to the enquiry.

49. *Use of boiler after accident.*—The Inspector must decide whether the use of the boiler can be permitted at the same or at lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case should he issue a provisional order or renewal certificate until his orders have been carried out.

50. *Procedure in case of serious accidents*—The report should be sent without delay to the Chief Inspector; if he considers that the investigation has been sufficient, he will record the facts in his Register of accidents and enter a brief account of the accident in the Registration Book, a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector should, after receipt of the Inspector's report, proceed to investigate the accident personally either alone or with the assistance of a member of the panel of assessors appointed under rule 63 who may be appointed for this purpose by the Commissioner. Reports of such inquiries should be recorded as indicated above.

51. *Remuneration of Assessor.*—The assessor shall be remunerated at such rate as may be prescribed by the State Government and be allowed the travelling expenses incurred by him in attending the inquiry.

52. *Reference in Annual Report.*—A brief account of all accidents and their causes should be included in the Chief Inspector's Annual Report.

53. *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported he should report the facts at once to the Chief Inspector for action under section 24 (d).

VII. Appeals

54. *Filing of appeals.*—Every petition of appeal shall be made in writing either in English or in Hindi.

55. *Presentation of appeal.*—An appeal may be presented either personally or by registered post to the Chief Inspector.

56. *Forms of appeal* The petition of appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing by a clear statement of the facts appealed against, the grounds of appeal and the referring section of the Act.

57. *Fixing date for hearing.*—On receipt of an appeal, the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority constituted by the State Government under section 20, obtain a date for the hearing of the appeal from that authority. It is important that there should be no delay in the decision of appeals, as the stoppage of a boiler is likely to put the owner thereof to great inconvenience. The decision should ordinarily be given within 10 days from the receipt of the petition of appeal.

58. *Procedure before hearing.*—When the date for hearing has been fixed, Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as shall be entered in the petition of appeal.

59. *Presence of inspector.*—In all appeals the Chief Inspector shall decide whether the presence of the Inspector is necessary, and shall issue orders accordingly.

Under orders of the Chief Inspector, an Inspector shall attend before the Chief Inspector or the Appellate Authority, during the hearing of an appeal with regard to a boiler under his charge.

60. *Attendance of witnesses.*—The Appellate Court shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure.

61 *Ex-Parte decisions*.—If the appellant is not present on the date fixed, the appeal may be decided in his absence.

62. *Constitution of Appellate Authority*.—(1) The Appellate Authority shall consist of a Chairman and three assessors selected in each case, from among the panel specified in rule 63.

(2) The Chairman shall be a person, who is or has exercised powers of a District Magistrate or a District Judge.

(3) The Chairman shall hold office for such period as the State Government may specify in this behalf

63. *Panel of Assessors*.—The State Government shall constitute a panel of assessors for the purpose of assisting in the hearing of appeal. Assessors must be fully qualified mechanical engineers.

64. *Attendance of the Assessors*.—Where a date for an appeal before the Appellate Authority has been fixed, the Chief Inspector shall under the order of the Appellate Authority arrange for the attendance of three members, form the panel of Assessors, to act as Assessors.

65. *Costs in appeals*.—(1) Where an appeal is dismissed, the Appellate Authority may fix the costs of the appeal, which shall be payable by the applicant.

(2) In any appeal, where a local inspection is required, the applicant shall deposit in advance the full costs of such inspections as determined by the Appellate Authority.

66 *Fees required for certificates granted on appeal*.—Any order on appeal authorising the registering of a boiler or the grant or renewal of a certificate shall be deemed to be subject to the payment of such fees as are prescribed by rules or regulations framed under the Act.

67. *Remuneration of Assessor*.—The Assessor shall be remunerated at such rate as may be prescribed by the State Government and be allowed the travelling expenses incurred by him in attending the Court.

68 *Penalty*—A person who does or commits to do any act prohibited or prescribed under the rules shall be punishable with a fine, which may extend to one hundred rupees.

APPENDIX TO THE RAJASTHAN BOILER RULES, 1954

FORM "A"

Register of Boilers.

(Rule 8 of the Rajasthan Boiler Rules 1954.)

| Registry No. | Date of registration. | Boiler rating. | Type of boiler | Name and place of manufacture. | Year of construction. | Maker's number and mark if any. | Name of owner. | Place where in use. | Remarks (transfer etc.) |
|--------------|-----------------------|----------------|----------------|--------------------------------|-----------------------|---------------------------------|----------------|---------------------|-------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |

In Part II of the Register, column 1 should contain the registry number and letters.

Provisions shall be made for the removal of lagging or brick work or other concealing part and for the drilling of plates, if required by the Inspector, and for verifying the pressure gauge and safety valve dimensions and weights. All smoke-tubes, smoke-boxes and external flues shall be swept clean.

Provision shall be made for the effective disconnection of all steam and hot water communication with any other boiler under steam as prescribed in Part III of the regulations. This shall be effected by the removal of a length of pipe from the steam feed and below down piping or by the insertion of substantial blank flanges. Where blank flanges are employed, they shall be inserted between the flanges of the chest and the pipe attached to it. No blank flange shall be inserted between a safety valve chest and the boiler.

Note:—These provisions as to effective disconnection shall extend to every case wherein a person is sent or with the assent of the owner or person in charge goes into a boiler for any purpose.

(b) *Preparation for Hydraulic Test*

The chests of all mountings subject to steam pressure shall be in place and shut tight or blank flanged. The safety valves shall either be jammed down or removed, and the chest-opening blank flanged. The attachment for the Inspector's pressure gauge and the nipple for connecting the Inspector's test pump hose shall be in order. All doors shall be properly joined and tightened up. The boiler shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the boiler shall be taken before the Inspector's visit to test the tightness of the joints.

Preparation now Required—(A), (B)
FORM "B"

Indian Boilers Act, 1923 (V of 1923).

*Notice for examination of boiler under section 7 and 8.
(Rule 33).*

No of 19 ..

Chief Boiler, Inspector's Office

Dated the 19 ..

To _____

In reply to your application dated you are hereby informed that Boiler Registry No. at the above named premises will be thoroughly examined/hydraulically tested by the Government Inspector on the To enable the examination to be made, you are required to—

(a) afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required by him;

(b) have the boiler properly prepared and ready for examination in the prescribed manner, see instruction on reverse.

(c) provide in the case of a boiler about to be registered such drawings, specifications and certificates and other particulars as may be prescribed;

(d) produce to the Inspector the last certificate of the boiler at the time of inspection;

Inspector of Boilers,

(Reverse of Form B),

(See reverse for preparation required).

PREPARATION FOR EXAMINATION.

(a) Preparation for inspection

At every inspection of a boiler for the grant or renewal of a certificate, the boiler shall be empty and thoroughly clean in all its parts. All doors of manholes, handholes and sight-holes and cleaning plugs and all cups in the headers and mud-drums of water-tube boiler all firebars, bearers, front plates, bridge plates, fire bridges, brick-arches, oil-fuel burners and mechanical stoker fittings shall be removed. All valves and cocks comprising the boiler mountings shall be opened up and taken apart and the valves or cocks ground, when necessary, before the Inspector's visit.

FORM "C".

GENERAL WORKING OF BOILERS, INSTRUCTIONS FOR
BOILER ATTENDANTS,

(Rule 7).

General working of Boilers, Instructions to Boiler Attendants.

These instructions should be frequently and carefully studied, with a view to keeping in mind the precautions to be observed, and the ordinary procedure to be followed in the safe working of boilers.

Precautions before starting the fires.

Before starting the fires in a boiler, the attendant should—

(1) see that there is sufficient water in the boiler and that the gauge cocks are working freely;

(2) ease safety valves, or open cock on top of boiler to allow air to escape;

(3) see that the blow-off cock is fully closed and tight;

(4) see that the safety valves and feed check valve are free and workable;

(5) see that water is not leaking from any part of the boiler;

(6) note if the pressure gauge pointer is at Zero;

(7) see that the feed pump is in working order.

He must not rely on the supposition that the water he has previously put in is still in the boiler, as it may have run out without his knowledge through a leak or open cock, nor can he be sure that the gauge glass shows the true water level until he has tested it.

This is done in the following manner; shut of the lower gauge cock and empty the glass by the drain cock; then shut the drain cock and open the gauge cock; if everything is in order, the water will then rise in the glass to the same height as before.

Raising steam.—In getting up steam in all types of boilers, the operation should be as gradual as circumstances will allow. Nothing turns a new boiler into an old one sooner than getting up steam too quickly. Forcing the fires when starting work is liable to cause of the steams straving and tubes of the boiler. In the case of large boilers generally steam should not be got up in less than six hours. Before getting up steam the water level should be observed, to ensure that the water is at the proper height in the glass, the pressure gauge noted, and the safety valves tried to see they are free. The blow-off cock should be examined to see that it is completely shut and tight.

Pressure gauge—The pressure or steam gauge should be kept in order, and be in such a position as to be easily seen by the boiler attendant. There should be a plain mark on it showing the highest pressure allowed for the boiler, and the dial should be kept clean so that the figures may easily be read.

Steam pressure.—Ordinarily the safety valve will prevent the steam from rising much above the working pressure, but if the steam gauge shows so rapid an increase of pressure as to indicate danger of exceeding the highest limit, water should be immediately fed into, the boiler and the dampers partially closed in order to diminish the effect of the fire. If, however, the water has fallen so low that there is danger of an accident from this cause, the fires should be withdrawn before feeding in water, the safety valves eased, and if the engine is at rest, it should be started so as to reduce the pressure.

The safety valves are provided to guard against over-pressure. They should be moved by hand every day so as to prevent them from sticking. If moved only occasionally, they are liable to leak.

The valve can be tested by slowly raising it a little, and when let down, it should close perfectly tight. It should never be opened by a sudden knock or pull. If it does not close tight, turn it on its seat until it fits, or when its construction does not permit this, raise it slowly a few times and let it down again, but on no account must the valve be screwed down further or loaded more than what has been allowed by the Inspector.

Safety Valves must be overloaded, and spring valves should have ferrules or other provisions against their being screwed down too far. In case of an accident resulting from wilful overloading the culprit might be held criminally responsible at the official enquiry or in quest.

Low Water Safety Valves.—If there is a low water safety valve, test it occasionally the lowering the water level to see that the valve begins to blow at the right point. It should give warning "before" the water level has sunk too low, and before damage can be

done. When the boiler is opened, examine the floats and lever and see that they are free and that give the valve the full rise. With the ordinary type of high-steam and low water safety valve the float should be down at its lowest position and the valve full open when the boiler is empty.

The Water Gauges.—These will be kept best in order by frequently blowing through. The cocks are thus kept in good working condition without leaking. Blow through the drain cock at the bottom of the gauge, and shut and open the steam and water cocks every few hours. These cocks should be blown through more frequently when the water is dirty. Should either of the passages become choked, or whenever the water in the gauge glass moves sluggishly, the passage must be cleaned. This is best done with a wire. The gauge glass is so arranged that its top cock connects with the steam space and its bottom cock is below the water line. The water line will ordinarily be near the centre of the glass tube. Always test the glass water gauges thoroughly the first thing in the morning and at the commencement of every shift. This is done by first opening the drain cock, then shutting the upper cock which should give water; the upper cock should then be opened and the bottom cock closed which should give steam, during this test the drain cock should be kept open.

If water and steam do not appear in proper order the cocks are choked and the passages should be cleaned. To lessen the risk of breaking the gauge glass the water cock should always be reopened after the steam cock.

Gauge glass with a narrow white strip running the whole length of the glass on the side next the boiler are recommended, as they show the water line more clearly, especially when the water is dirty.

The Indian Boiler Regulations require every water gauge glass to be fitted with a guard to prevent injury to the attendants. See that it is always in place, and clean, when there is steam in the boiler.

Special note.—It does not follow that there is plenty of water in the boiler because there is plenty of water in the gauge glass. The passage may be choked and empty gauge glasses are sometimes mistaken for full ones, and explosions have resulted therefrom. Hence the importance of keeping the gauge cocks perfectly tight and clean and of blowing through the test cocks frequently.

A large number of accidents have been due to inoperative water gauge, and to negligence of the attendant in not carefully reading the water level.

The blow-off cock.—The blow-off should be used daily if the water is at all dirty or sedimentary, especially with Locomotive type and Vertical Boilers, as their narrow water spaces are liable to get choked with mud, which so on hardens into a solid mass. The amount of water to be blown out depends the size of the boiler and can be

determined only from experience. When blowing out the best result is obtained, if the water has been at rest for sometime to (say before the engine is started) thus giving the sediment time to settle, if the feed water is clean, merely turn the cock on round.

The scum cock.—When scum cocks are fitted, if the feed water is dirty a little should be blown-off daily, if the water is clean, merely turn the cock round. Before opening the scum cock see that the water is at the height indicated by the water level pointer, otherwise the scumming will be ineffective. Water should be blown from the surface through the scum cock when steam is being drawn off, i.e., when the engine or other machinery is working.

Munhole and other door joints.—When making such joints, the joining materials should never be of round sectioned packing. Care must be taken that the spigot of the door is centrally placed in the hole, as many accidents have resulted from packing being blown out between the spigot and side of hole even when the clearance was only $\frac{1}{8}$ inch. The nuts must be carefully and evenly tightened. Further tightening should be made during the process of heating up the boiler when raising steam.

Steam pipes.—When properly arranged should give no trouble. Frequently, however, they are so designed as to contain pockets, in which, while out of use, condensed steam accumulates. Such water is exceedingly dangerous and great care should be taken to see that the pipes are properly drained before the stop valve is opened, otherwise "water hammer" will take place even with the best designed steam pipes, and disastrous explosions causing loss of life and property, may occur.

Scale and grease.—Roughly speaking, scale offers a hundred times as much resistance to the passage of heat as does a similar thickness of steel or iron. A half-inch furnace plate covered with $\frac{1}{10}$ inch scale is as efficient a heat retarder as a steel furnace 10 inches thick. Grease is about ten times worse than scale. In a boiler at work the temperature of a clean furnace plate is only slightly in excess of that of the water in the boiler; but if scale or grease is interposed between the water and the plate, the latter acquires a temperature more nearly approximating that of the flame with which it is in contact. If the fire is fierce (artificial draught) the furnace tube may grow so hot that it elongates considerably. If, in addition, cold air is admitted during each firing a concertina action of the furnace takes place, which is one of the worst causes of boiler wear and tear.

Wear and tear can be reduced and the life of a boiler prolonged if scale and grease are prevented from accumulating in a boiler. The combined effect of scale or grease and artificial draught are disastrous. Scale also causes waste of fuel.

Grease.—A mixture of sedimentary water, soda, and grease produces an adhesive scum. Where this is suspected, the water level should never be lowered below the furnace top, unless the boiler is

afterwards entered in this scum cleaned off the furnace plate before firing again.

Scale removal.—The customary method is not a satisfactory one. The boiler is emptied and then colled down by opening all the manholes and the result is that the scale, which would otherwise be soft, hardens through contact with the air, and requires laborious chipping off.

A very effective, but slower, method, is to retain, the water in the boiler until cool, and not to run it out until the men are ready to enter the boiler with water hose, brushes and scarpers. The scale will then be soft and easily removable.

If time is a consideration, the cooling be accelerated by adding cold feed to the hot water in, the boiler and slowly running off the cooled water. Another method is to blow-off the boiler with the lowest possible pressure (not more than 20lb.) and to keep it closed until cold. The scale will then be easily removed.

Treatment of feed water.—Many feed water require soda or other chemical to arrest corrosion or to change the nature of the scale.

There is no harmless chemical which will remove scale or sediment when it has once get into the boiler, and the only effective process is to purify the feed water before it enters the boiler. By this means the sediment, and generally too, the added chemicals, can be deposited in tanks or in filters, and therefore, never goes into the boiler. Excepting when the water obtainable is very good, water purifying apparatus ought to pay any boiler owner, particularly at those works where three or more boilers are in constant work, boiler owners wishing to have definite advice as to the best treatment of their feed water should have it analysed at some Chemical Laboratory and ascertain the best treatment in the particular circumstances.

Special attention is drawn to the not infrequent very bad practice of allowing the waste steam from the engine cylinders or pumps to be drained into the boiler feed water tanks. The waste steam from cylinders is always rud with a certain amount of oily matter, which will be deposited in the Feed water Tanks and ultimately be pumped into the boiler, with possible disastrous results as it will be obvious to every careful boiler attendant that should the oil be deposited on the furnace crowns, they may become over-heated and collapse.

It should be the first care of the boiler owner, and the boiler attendant to see that the feed water is kept as pure as possible. Impure feed water means additional expence on the upkeep of the boiler.

Preservation of boilers when not in use.—Steam boilers when not in use are liable to deterioration from corrosion, and unless well cared for and made rust-proof they may depreciate more rapidly than

when cared for and made rust-proof they may depreciate more rapidly than when in use. They should be thoroughly drained and thoroughly dried and all valves, cocks and openings closed so as to exclude moisture. Another plan is to fill the boiler with water to which about 1/10 per cent, caustic soda has been added.

Special Instruction for Boiler No.....

The boiler should be opened up and thoroughly cleaned after a period of work which should not exceed.....A record of such cleanings should be maintained and produced, when required by the Inspector.

Dated

Inspector of Boilers.

FORM "D"

Accident report under section 18 (1) of the Indian Boilers Act, 1923.

To

The Chief Inspector of Boilers,
Rajasthan, Jaipur.

The undersigned begs to report that an accident occurred in the.....Factory aton date.....
.....hour.....causing slight/serious
injury as detailed below:—

1. Nature of accident... ..
2. Cause of accident
3. Full details of damage to Boiler No.....
4. Full details of damage to steam pipe.....
5. Full detail of injury caused to any person

Date.....

RAJASTHAN ECONOMISER RULES, 1954 NOTIFICATION

Jaipur, January 15, 1954.

No. F. 15 (11) Lab./52.—In exercise of the powers conferred by Section 29 of the Indian Boilers Act, 1923 (Act No. V of 1923), the Government of Rajasthan is pleased to make the following Rules, the same having been previously published as required by Section 31 of the said Act.

CHAPTER I.

1. *Short title.*—These rules may be called the Rajasthan Economiser Rules, 1954.

These shall come into force with immediate effect.

2. *Definitions.*—In these rules unless the context otherwise requires,

- (a) "Act" means the Indian Boilers Act, 1923 (V of 1923);
- (b) "Section" means a section of the Act;
- (c) "Regulation" means a regulation of the Indian Boiler Regulations, 1950, made by the Central Boilers Board under section 28 of the Act.

Costs and Penalties

3. *Payment of fees, etc.*—All fees payable under these Rules or the Act shall be paid in such manner as the State Government may from time to time specify.

4. *Registers.*—(1) The Chief Inspector shall keep in his office—

- (a) a register of all economisers registered in the State;
- (b) the Registration Books and Memorandum of Inspection Books in respect of all economisers booked in such register;
- (c) a Register of appeals;
- (d) a Register of accidents; and
- (e) a Register of registration and inspection fees received.

(2) The register maintained under clause (a) of sub-rule (1) shall consist of two Parts. In para I shall be entered the economisers registered in the State and in Part II shall be entered the economisers transferred from another State.

5. *Inspections at Special times.*—No examination of an Economiser shall be made by an Inspector for the purpose of registering or issuing of certificate for an Economiser on a Sunday or a gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief Inspector, in each case. In such cases an extra fee equal to the usual fee for the registration or inspection of the Economiser, as the case may be, shall be charged and such extra fee shall be paid to the Inspector.

These rules have been first published in Rajasthan Raj-patra Dated April 17, 1954 par, IV (c) page 2.

6. *Attendance during hearing of appeals.*—Under orders of the Chief Inspector, Inspectors shall attend before the Chief Inspector or the Appellate Authority, during the hearing of appeals with regard to Economisers under their charge.

CHAPTER II.

Procedure for Registration.

7. *Receipt of applications.*—Applications for registration shall be made under sub-section (1) of section 7 to the Inspector of the local area in which the Economiser is situated and shall be accompanied by a receipt of the fee prescribed under the Regulation.

8. *Procedure on transfer of an Economiser unit or part of a unit.*—Whenever an Economiser is transferred from another State into the State of Rajasthan the owner shall, apply under clause (b) of section 6 to the Chief Inspector for the registration of the transfer; the Economiser shall not be used until registration has been effected. No fee shall be charged for recording such transfer.

9. (a) *Entry of transferred Economiser unit in Register.*—On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the Economiser unit under its original number in Part II of the register kept for the purpose.

(b) When parts of two or more units are assembled to form one unit, the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

10. *Note of transferred and dismantled Economisers.*—Whenever an Economiser or part of an Economiser has been transferred to another State or broken up, the fact shall be noted in the Register. In the case of an Economiser which has been condemned, the Registration Book and the Memorandum of Inspection Book shall contain an entry to that effect.

CHAPTER III.

Procedure for Inspection.

11. (a) *Procedure at inspection: Internal inspection of Economiser Chamber.*—Detailed instructions for the inspection of Economisers are contained in Chapter XI of the Regulations. The following general procedure at inspection should be observed:—

At a thorough inspection of an Economiser, the Inspector should wherever possible have either the steel casing doors open or the brickwork completely removed on the outer side of the Economiser Chamber to enable him to make a thorough examination of the external surfaces of the tubes. But before doing so, he should satisfy himself that proper provision has been made to isolate the Economiser on the gas side as well as on the water connections of the boiler and from any other working Economiser.

Should the Inspector find that the Economiser has not been disconnected on the feed line or is not sufficiently sealed on the gas side or is unreasonably hot or not properly cleaned or scaled, he sho-

uld decline to proceed with the inspection and report the facts to the Chief Inspector for orders under subsection (2) of section 14.

When an Economiser Chamber is of such a size or its construction is such that the Inspector cannot go inside, reasonable provision should then be made for the external examination of the principal parts. If for any reason the Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

Preparation for Hydraulic Test.—The chest of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured or removed and the chest opening blank flanged. The attachment* for the inspector's pressure gauge and the nipple* for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The Economiser shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the Economiser shall be taken before the Inspector's visit to test the tightness of the joints.

NOTE :—The last certificate for the Economiser should be shown to the Inspector.

When an Economiser is hydraulically tested for the first time, it shall be offered entirely bare, at subsequent tests, lagging or brickwork, or portions therefore, shall be removed if required by the Inspector.

(b) Hydraulic tests of Economiser at subsequent examinations shall except when the Inspector expressly requires otherwise, be made after the inspection. The test pressure to be applied to Economisers at such subsequent examinations shall be from one and a quarter to one and a half times the working pressure of the Economiser

12. *External inspection of Economiser.*—After the Economiser has been cleaned, the Inspector shall make a thorough examination so far as its construction permits. The external condition of the tubes should be carefully noted for wasting especially at the feed inlet end all accessible tubes should be calipered. The internal surfaces of cast iron tubes should be closely observed for graphitic wasting as far as it is possible and in the event of any failure these should be broken up for scrutiny so that the general internal condition of the other tubes may be estimated.

(b) Where tubes or other parts are wasted, the strength should be re-calculated.

(c) The scraper gear should be examined to note, if any parts are missing, if the length of travel is adequate and if the scrapers are correctly adjusted.

*Tapped $\frac{3}{4}$ " Whitworth bolt and nut thread.

*Tapped $\frac{5}{8}$ " Whitworth bolt and nut thread.

(d) All cap bolts are to be inspected, also the condition and position of the dampers and baffle.

(e) The record of each inspection and calculation will be entered in the Memorandum of Inspection Book.

When an Economiser Chamber is of such a size or its construction is such that the Inspector cannot go inside, reasonable provision should then be made for the external examination of the principal parts. If for any reason the Inspector cannot examine it he should report the facts to the Chief Inspector for orders.

13. *Casual inspection.*—The Inspector shall note if the Economiser is working satisfactorily and especially in accordance with Regulation 531 of the Indian Boiler Regulations, 1950. Particular note should be taken of the water temperature to see that the temperature of hot water in the Economiser is 20° to 50° lower than the boiler steam temperature.

14. *Proposals for reduction of pressure*—When the Inspector decides that an Economiser in one or more of its part is no longer fit for the pressure approved for it he should, without delay, report his proposals for reducing the pressure to the Chief Inspector.

15. *Repairs to Economisers.*—(a) No pressure parts in a cast iron Economiser shall be permitted to be repaired by welding.

(b) Castings shall not be repaired or welded without the specific sanction of the Inspecting Officer. If required, the castings shall be suitably re-heat-treated to remove internal stresses. Should a defect impair the strength of the casting, repair by welding or otherwise shall not be permitted.

16. *Entries in Memorandum of Inspection Books.*—An Inspector shall, after an inspection, make the necessary entries in the Memorandum of Inspection Book for the Economiser and submit the book to the Chief Inspector. Inspection notes should briefly state—

(a) the extent to which the Economisers were cleared of brick-work, lagging or concealing parts.

(b) the general condition of the Economiser; and

(c) parts requiring attention or repair and if special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Book all casual visits for inspection of feed pipes, visits for inspection of repair, inquiry into accidents and other like matters.

17. *Entries in Certificates.*—In addition to the entries required to be made under Regulation 530 in a certificate for an Economiser, the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brickwork or other concealing parts for the next inspection to enable the owner to have the same properly prepared at that time. He should also state in the same place his requirements regarding the

repair or removal of any part that may be considered fit only for the period of the certificate.

In the repairs column, should be entered the year of repair and description of repair effected. Only important repairs should be noted.

18 *Engraving of registry number.*—Paper slips of the proper size bearing the registry number allotted for the Economiser will be supplied by the Chief Inspector. The engraving of the registry number should be made as prescribed in Regulation No. 534.

19. *Arranging for Inspections.*—In arranging for inspections and hydraulic test ample notice of not less than 30 days should be given to the owner. The notice required by sub-section (2) of section 7 and sub-section (4) of section 8 shall be sent in Form BE.

20. *Issue of Certificate and provisional Order.*—In cases in which the Inspector is empowered to issue a certificate under section 8 without further reference, the certificate should ordinarily be issued within 48 hours of the completion of the inspection. Where he proposes to issue a provisional order pending the issue or refusal of the certificate, the Inspector must satisfy himself that the Economiser is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of a provisional order must be reported immediately to the Chief Inspector.

21. *Forms of Provisional Orders and Certificates.*—Provisional orders and certificates are prescribed in Form X and XI, respectively, of the Regulations.

The period specified in any provisional order or certificate shall begin on the day on which the enabling thorough inspection or hydraulic test is completed. Where a certificate supersedes a provisional order during the period of its currency, the period of the certificate shall be retrospective and shall begin from the same date as that of the provisional order.

22. *Duplicate Certificate.*—A duplicate of any certificate granted under section 7 or section 8 which for the time being is in force shall be granted by the Chief Inspector on the application of the owner of the Economiser if the Chief Inspector is satisfied that the duplicate is required for a bona fide purpose and the fee prescribed under Rule 28 is paid.

23. (a) *Registration Fees.*—Fees for registration of Economisers are prescribed in Regulation 533 of the Regulation.

(b) *Fees for Inspection.*—Fees for inspection shall be calculated on the basis of Economiser rating as shown below:—

| | | | | | | Rs. |
|---|------|------|------|------|------|-----|
| For Economiser rating not exceeding 500 | .... | .... | .... | .... | .... | 40 |
| For Economiser rating exceeding 500 but not exceeding 1,000 | | | | | | 50 |
| " " " " 1,000 | " | " | " | " | | 60 |
| " " " " 1,500 | " | " | " | " | | 70 |

| | | | | | | | | | |
|---|---|---|---|-------|---|---|---|-------|-----|
| " | " | " | " | 2,000 | " | " | " | 2,500 | 80 |
| " | " | " | " | 2,500 | " | " | " | 3,000 | 90 |
| " | " | " | " | 3,000 | " | " | " | 3,500 | 100 |
| " | " | " | " | 3,500 | " | " | " | 4,000 | 110 |
| " | " | " | " | 4,000 | " | " | " | 4,500 | 120 |
| " | " | " | " | 4,500 | " | " | " | 8,000 | 130 |
| " | " | " | " | 5,000 | " | " | " | .... | 140 |

Provided that when any owner is willing to accept a renewed certificate for less than 24 months in order to approximate the date of annual inspection to the date on which other Economisers in the locality are inspected, a certificate for such periods being less than 24 months as may be necessary for such approximation of dates may be granted at a reduced fee to be calculated at one-twenty fourth of the ordinary fee for each full month, fraction of a month not being reckoned.

24. *Fee to cover inspection and test.*—A fee paid for the inspection of an Economiser shall cover thorough inspection and hydraulic test subject to the provision of sub-section (2) of section 14.

25. An extra fee may be levied for re-inspection in any case where the inspection of an Economiser is begun but owing to the fault or neglect of the person in charge is not completed within a period of six months from the date of commencement of inspection provided that no extra fee shall be levied except with the sanction of the Chief Inspector.

26. *Special fee for inspections out of session.*—For inspections carried out on application within 30 days of the expiry of a certificate, no travelling and halting charges of the Inspector and staff shall be leviable. In cases where the owner requires the inspection at a date earlier than 30 days from the expiry of a certificate, the Chief Inspector may in addition to the inspection fee, charge the travelling and halting charges from the owner of the Economiser. If an owner applies for inspection after the expiry of the certificate he shall be liable to pay the travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

If the inspection is carried out at the request of the owner, at a time other than the specified one to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

27. *Fee for copy of registration books.*—For each copy Rs. 5/-.

28. *Duplicate certificate fees.*—Fees for duplicate certificate under Rule 22—Rs. 3/-.

29. *Refund of fees.*—Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner or person in charge of the Economiser has not been made, shall be refunded or adjusted if applied for from the date of payment.

CHAPTER IV.

Accidents.

30. *Investigation of accidents.*—On the receipt of a report of an accident to an Economiser or feed-pipe under section 18, the Inspector shall with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he should forward it at once to the Inspector within whose jurisdiction the accident had occurred for necessary action.

31. *Procedure during inquiry*—The Inspector at his inquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the purpose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of the occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in Form CE and should be sent forthwith to the Chief Inspector. If the Chief Inspector considers that the investigation has been sufficient, he will record the facts in the register of accidents and enter a brief account of the accident in the Registration Book, a copy being made in the Memorandum of Inspection Book. If, however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector shall, after receipt of the Inspector's report, proceed to investigate the accident personally.

32. *Power to hold inquiry in writing.*—Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with the accident. In order to comply with the provisions of sub section (2) of section 18, the Inspector shall present to the owner or person in charge of the Economiser a series of written questions on all point that are material to the enquiry.

33. *Use of Economiser after accident*—The inspector shall decide whether the use of the Economiser can be permitted at the same or at a lower pressure without repairs or pending the completion of any repairs or alterations that he may order. In no case shall he issue a provisional order or renewal certificate, until his orders have been carried out.

34. *Reference in Annual Report.*—A brief account of all accidents, their causes and remedial measures taken shall be included in the Chief Inspector's Annual Report.

35. *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of an accident, but which has not been reported he should report the facts at once to the Chief Inspector for action

CHAPTER V.

Appeals.

36. *Filing of appeals.*—Every appeal shall be made in writing either in English or in Hindi.

37. *Presentation of appeal.*—An appeal may be presented either personally or sent by registered post to the Chief Inspector.

38. *Form of appeal.*—The appeal shall be accompanied by the original order, notice or report appealed against, or by a certified copy thereof, or where no such order, notice or report has been made in writing, by a clear statement of the facts appealed against, the grounds of appeal and section under which the appeal is made.

39. *Fixing date for hearing.*—On receipt of an appeal the Chief Inspector shall, if the appeal is to be heard by himself, at once fix a date for hearing the appeal; and if it is to be heard by the appellate authority, obtain a date for the hearing of the appeal from that authority.

40. *Procedure before hearing.*—When the date for hearing has been fixed, the Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

41. *Presence of Inspector.*—In an appeal to the Chief Inspector, he shall decide whether the presence of the Inspector is necessary and shall issue orders, accordingly.

42. *Attendance of witnesses.*—The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries under the provisions of the Code of Civil Procedure, 1908 of (Act 5 of 1908).

43. *Ex-parte decisions.*—In any appeal, if the appellant is not present on the date fixed, the appeal may be decided in his absence.

44. *Constitution of Appellate Authority.*—(1) The appellate authority shall consist of a Chairman, and three Assessors selected in each case from among the panel specified in rule 45.

(2) The Chairman shall be a person who is or has exercised the powers of District Judge or a District Magistrate.

(3) The Chairman shall hold office for such period as the State Government may specify in this behalf.

45. *Panel of Assessors.*—The State Government shall constitute a Panel of Assessors who shall be fully qualified mechanical engineers.

46. *Remuneration of Assessor.*—An Assessor when selected on the appellate authority shall be paid—

(a) such fees as the State Government may, from time to time, determine; and

(b) the travelling expenses actually incurred by him for attending an enquiry under these rules.

47. *Attendance of Assessors.*—Where a date for an appeal before the appellate authority has been fixed, the Chief Inspector shall under the orders of the Chairman of the appellate authority arrange for the attendance of three members of the Panel of Assessors to act as Assessors.

48. *Cost in appeals.*—(1) Where an appeal is dismissed the appellate authority may fix the costs of the appeal which shall be payable by the appellant.

(2) In any appeal where a local inspection is required the appellant shall deposit in advance the full costs of such inspection as determined by the Chairman of the appellate authority.

FORM AE.

.....Economiser Inspection Department.

Register of Economisers.

7 (Rules 4, 9 & 10)

| Registry No. | Type of Economiser. | Economiser Rating. | Name of Manufacturer | Year and place of construction. | Date of Registration. | Name of owner. | Place where in use. | Remarks. (Transfer etc.) |
|--------------|---------------------|--------------------|----------------------|---------------------------------|-----------------------|----------------|---------------------|--------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |

FORM BE.

Indian Boilers Act, 1923 (Act V of 1923).

Notice for Examination of Economiser under sections 7 and 8.
No. of 195

Boiler Inspection Office,
Dated the 195

To

Gentlemen/Sir,

In reply to your application dated.....you are hereby informed that Economiser Registry No.....at the above named premises will be thoroughly examined/Hydraulic tested by the Government Inspector on the..... To enable the examination to be made, you are bound—

(a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;

(b) to have the Economiser properly prepared and ready for examination in the prescribed manner; and

(c) in the case of an application for the registration of an Economiser to provide such drawings, specifications, certificates and other particulars as may be prescribed.

Voucher No.....in acknowledgement of Bank Treasury Receipt No.....for Rsaccompanies.

Yours faithfully,

Chief Inspector of Boilers, Rajasthan State.
(See Reverse for preparation required).

PREPARATION FOR EXAMINATION.

(a) Preparation for Inspection.

At each inspection the Economiser shall be emptied and thoroughly cleaned internally and externally in the flues. All mountings shall be opened up and caps removed to permit adequate inspection.

Provision shall, if required by the Inspector, be made for the removal of casing or brickwork or either concealing part and for drilling of headers and tubes and for verifying the pressure gauge and relief valve dimensions and weights. All tubes, headers and flues-ways shall be swept clean.

Proper provision shall be made to isolate the Economiser on the gas side as well as on the water connections of the boiler and from any other working Economiser.

(b) Preparation for Hydraulic Test.

The chest of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured tight or removed and the chest opening blank flanged. The attachment* for the Inspector's pressure gauge and the nipple* for connecting the Inspector's test pump hose shall be in order. All caps shall be properly fitted and tightened up. The Economiser shall be completely filled with water, care being taken to allow all air to escape and, if possible, a preliminary test not exceeding the working pressure of the Economiser shall be taken before the Inspector's visit to test the tightness of the joints. When an Economiser is hydraulically tested for the first time, it shall be offered entirely bare, at subsequent tests, lagging or brickwork, or portions thereof, shall be removed if required by the Inspector.

Preparation now required (a) and (b).

Note;—The last certificate for the Economiser should be shown to the Inspector.

*Tapped $\frac{3}{4}$ " Whitworth bolt and nut thread.

*Tapped $\frac{3}{4}$ " Whitworth blot and nut thread.

FORM CE.

Report into the investigation of the Accident to Economiser

No.....

To

The Chief Inspector of Boilers,

Sir,

In accordance with instructions I have held a preliminary inquiry into the accident and the circumstances attending it, to Economiser No , and now make the following Report.

- (1) Date and place of accident.
- (1) (a) Date of investigation.
- (2) Name and address of owners.
- (3) Persons killed or injured.
- (4) Name of makers of Economiser or Steam Pipe.
- (5) Age of Economiser or Steam Pipe.
- (6) Particulars of previous repairs with dates.
- (7) The Economiser was last inspected on.....by ...
.....
- (8) Nature of Accident.
- (9) Cause of Accident.
- (10) General Remarks.

Date.....

Inspector of Boilers.

Remarks by the Chief Inspector of Boilers.

The Rajasthan Economiser Rules, 1959

Labour Department

Jaipur, 3rd, April 1962.

NOTIFICATION

No. F1(109)/Lab/57 In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (Act No. V of 1923) the Government of Rajasthan is pleased to make the following Rules the same having been previously published as required by section 31 of the said Act, namely:—

CHAPTER 1.

Preliminary

1. *Short title and repeal*:—(a) These rules may be called the Rajasthan Economiser Rules, 1959.

(b) The Rajasthan Economiser Rules, 1954 and all other rules corresponding to these rules in force in any part of Rajasthan are hereby repealed.

2. *Definition*:—In these rules unless the context otherwise requires;

(a) "Act" means the Indian Boilers Act, 1923 (V) of 1923)

(b) "Form means" a form appended to these rules;

(c) "Section means a section of the Act;

(d) "Regulations" means the Indian Boiler Regulations 1950, made by the Central Boilers Board under section 28.

3. *Payment of fees etc*:—All fees, payable under the Act or any Regulation or rule framed thereunder, shall be deposited by the payer in a Government Treasury under the Head "XXXVI in Miscellaneous Departments Provincial Fees for the inspection of Steam Economisers". An application under section 7 or section 8 to which the Treasury receipt obtained on payment of the prescribed fee is attached shall be deemed to be accompanied by the prescribed fee.

4. *Registers*:—(1) Chief Inspector shall keep in his office.

(a) a register in form AE of all economisers registered in the state;

(b) the Registration books and Memorandum of Inspection Books in respect of all economisers books in such register;

(c) a Register of appeals;

(d) a Register of accidents; and

(e) a Register of fees received for registration and Inspection fees received.

(2) The register maintained under clause (a) of sub-rule (1) shall consist of two parts. In part I there shall be entered the economisers registered in the state and in part II shall be entered the economisers transferred from another State.

5. *Fees for inspections at special times*:—No examination of an Economiser shall be made by an Inspector for the purpose of issuing a certificate for an economiser on a sunday or a gazetted public holiday or between the hours of sunset and sunrise without the specific orders of the Chief inspector, in each case. In cases where such an inspection is made at the written request of the owner an extra amount equal to the usual fee, for inspection of economiser shall charged and such extra amount shall be paid to the Inspector.

CHAPTER II

Procedure for Registration.

6. *Applications*:—An application for registration under subsection (1) of section 7 shall be made in Form C to the Inspector and shall be accompanied by a receipt of the fee prescribed under the Regulations.

7. *Procedure on transfer of an economiser unit or part of a units*—When an economiser is transferred from another State to the State of Rajasthan, the owner shall apply in Form CE to the Chief Inspector for the registration of the transfer; the economiser shall not be used until registration has been effected; No fee shall be charged for recording such transfer:—

8. *Entry of transferred economiser unit in Register*:—(a) On receipt of the Registration and Memorandum of Inspection Books, the Chief Inspector shall enter the economiser unit under its original number part II of the register kept for the purpose.

(b) When parts of two or more units are assembled to form one unit, the original numbers shall be cancelled and the newly built up unit shall be given a fresh number.

9. *Note of transferred and dismantled economisers*—(a) Whenever an economiser or Part of an economisers has been transferred to another state or broken up, the fact shall be noted in the register. In the case of an economiser which has been condemned the Registration Book and the Memorandum of Inspection Book shall contain an entry to that effect.

(b) When a registered economiser is transferred from one place to another in the State or when there is a change of its ownership or when an economiser or its part is broken up, the present as well as the previous owners shall within seven days thereof deliver a written notice giving full details thereof to the Chief Inspector of Boilers.

CHAPTER III

Administrative instructions for Inspection.

10. *Proposal for reduction of pressure.*—When the Inspector decides that an economiser in one or more or its parts is no longer fit for the pressure approved for it, he shall, without delay, report his proposal for reducing the pressure to the Chief Inspector, under section 2 (5).

11. *Entries in Memorandum of Inspection Books.*—An Inspector shall after an inspection, make the necessary entries in the Memorandum of Inspection Book for the economiser and submit the book to the Chief Inspector, Inspection notes should briefly state;

- (a) the extent to which economisers were cleared of brick work, lagging or concealing parts.
- (b) the general condition of the economiser; and
- (c) parts requiring attention or repair and if special preparation is required at the next inspection.

Inspectors should also note in the Memorandum of Inspection Book all casual visits for inspection of feed pipes, visits for inspection of repair, inquiry into accidents and other like matters.

12. *Entries in certificates*—In addition to the entries required to be made under Regulation 530 in a certificate for an economiser the Inspector should state in the remarks column his requirements, if any, with regard to hydraulic test, removal of lagging, brick work or other concealing parts for the next inspection to enable the owner to have the same property prepared at that time. He should also state in the same place his requirements regarding the repair or renewal of any part that may be considered fit only for the period of the certificate.

In the repairs column, shall be entered the year of repair and description of repair effected. On important repairs should be noted.

13. *Engraving of registry number.*—Paper slips of the proper size bearing the registry number allotted for the economiser will be supplied by the Chief Inspector. The engraving of the registry number should be made as prescribed in Regulation No. 534.

14. *Notice for inspections.*—In arranging for inspection and hydraulic test ample notice of not less than 30 days should be given to the owner. The notice required by sub-section (2) of section 7 and sub section (4) of section 8 shall be sent in form BE.

An application for the renewal of a certificate of economiser shall be made in form CE to the Chief Inspector one month before the expiry of the certificate and shall be accompanied by a receipt of the fees prescribed under rule 18 (b).

15. *Issue of certificate and provisional order.*—In cases in which the Inspector is empowered to issue a certificate under section 8 without further reference the certificate should ordinarily be issued within 48 hours of the completion of the inspection. Where he purposes to issue a provisional order pending the issue or refusal of the certificate, the Inspector must satisfy himself that the economiser is fit to be worked at the maximum pressure and for the period entered in the provisional order. The fact of issue of the provisional order must be reported immediately to the Chief Inspector.

16. *Forms of Provisional orders and certificates.*—Provisional orders and certificates are prescribed in Form X & XI respectively, of the Regulations.

The period specified in any provisional order or certificate shall begin on the day on which the thorough inspection or hydraulic test is completed. Where a certificate supersedes a provisional order during the period of its currency the period of certificate shall be retrospective and shall begin from the same date as that of the provisional orders.

17. *Duplicate certificate.*—A duplicate of any certificate granted under section 7 or section 8 which for the time being in force shall be granted by the Chief Inspector on the application of the owner of the economiser if the Chief Inspector is satisfied that the duplicate required for a bonafied purpose and the fee prescribed under rule 23 is paid.

18. *Registration fees.*—(a) Fees for registration of economisers are prescribed in Regulation 533 of the Regulations.

Fees for Inspection.—(b) Fees for inspection shall be calculated on the basis of economiser rating as shown below:—

| | | | |
|---|------|---|-----------|
| For economiser rating not rating 500 | | | Rs. 40/- |
| For Economiser rating exceeding 500 but not exceeding 1,000 | 500 | | 50 |
| " | 1000 | " | 1,500/60 |
| " | 1500 | " | 2,000/70 |
| " | 2000 | " | 2,500/80 |
| " | 2500 | " | 3,000/90 |
| " | 3000 | " | 3,500/100 |
| " | 3500 | " | 4 000/110 |
| " | 4000 | " | 4,500/120 |
| " | 4500 | " | 5,000/130 |
| " | 5000 | " | 140 |

Provided that when any owner is willing to accept a renewed certificate for less than 24 months in order to approximate the date of annual inspection to the date on which other economisers in the locality are inspected, a certificate for such periods being less than 24 months as may be necessary for such approximation of dates may be granted at a reduced fee to be calculated at one twenty

fourth of the ordinary fee for each full month, fraction of a month not being reckoned.

19. *Fees to cover inspection and test.*—A fee paid for the inspection of an economiser shall cover through inspection and hydraulic test. If a fresh application is required under sub-section (2) of section 14, fee shall be charged again.

20. *An extra fee may be levied for re-inspection.*—In any case where the inspection of an economiser is begun but owing to be fault or neglect of the owner is not completed within a period of six months from the date of commencement of inspection, no extra fee shall be levied except with the sanction of the Chief Inspector.

21. *Special fee for inspection out of season.*—For inspection carried out on application made before the date of expiry of a certificate no travelling and halting charges of the Inspector and staff shall be leviable. In cases where the owner requires the inspection at any date prior to the expiry of a certificate, the Chief Inspector may in addition to the inspection, charge the travelling and halting charge, from the owner of the economiser. If an owner applied for inspection after the expiry of his certificate he shall be liable to pay the travelling allowance and halting allowance of the Inspector at the discretion of the Chief Inspector.

Further, if the inspection is carried out at the request of the owner on a date other than the one specified by the Inspector to suit the convenience of the owner, the travelling charges of the Inspector shall be realised from the owner.

22. *Fee for copy of Registration Books.*—Fee for each copy of Registration Book shall be Rs. 5/-

23. *Duplicate certificate Fees.*—Fees for duplicate certificate under rule 17 shall be Rs. 3/-

24. *Refund of fees*—Fees paid in excess and fees paid for an inspection which for any reason not due to any fault or omission of the owner or person in charge of the economiser has not been made, shall be refunded or adjusted if applied for within one year from the date of payment.

CHAPTER IV

Accidents

25. *Investigation of accidents.*—On the receipt of a report of an accident to an economiser or feed-pipe under section 18, the Inspector shall with the least possible delay, proceed to the place to investigate the accident. If the report is received by the Chief Inspector, he should forward it is once to the Inspector within whose jurisdiction the accident had occurred for necessary action.

26. *Procedure during enquiry.*—The Inspector at his inquiry shall make a careful examination of the damaged parts, and shall take such measurements and make such sketches for the pur-

pose of his report, as he may deem necessary. He shall inquire into the circumstances attending the accident and note the time of its occurrence, its nature and extent, the injury caused to persons and the damage done to property. The report should be in form DE and should be sent forth with to the Chief Inspector. If the Chief Inspector considers that the investigation has been sufficient he will record the facts in the Register of accidents and enter a brief account of accident of the accident in the Registration Book a copy being made in the Memorandum of Inspection Book. If however, the accident is of a serious nature and in all cases in which an explosion has occurred, the Chief Inspector shall after receipt of Inspector's report, proceed to investigate the accident personally.

27. *Power to hold inquiry in writing.*—Inspectors are authorised to take the written statements of witnesses and all persons immediately concerned with accident. In order to comply with the provisions of sub-section (2) of Section 18, the Inspector shall present to the owner or person in charge of the economiser a series of written question on all points that are material to the inquiry.

28. *Use of economiser after accident.*—The Inspector shall decide whether the use of the economiser can be permitted at the same or at lower pressure without repairs or pending the completion of any repairs or alternations that he may order. In no case shall he issue a provisional order or renewal certificate, until his orders have been carried out.

29. *Reference in Annual Report*—A brief account of all accidents their causes and remedial measures taken shall be included in the Chief Inspector's Annual report.

30. *Unreported accidents.*—If in the course of an inspection or at any other time, the Inspector discovers damage which comes within the definition of accident, but which has not been reported he should report the facts at once to the Chief Inspector for such action as he deems fit.

CHAPTER V

Appeals

31. *Filing of appeals.*—Every appeal shall be made in writing either in English or in Hindi written in Devanagari script.

32. *Presentation of appeal.*—An appeal may be presented either personally or sent by registered post to the Chief Inspector.

33. *Forms of appeal.*—The appeal shall be accompanied by the original order, notice or report appealed against' or by a certified copy thereof, or where no such order, notice or report has been made in writing by a clear statement of the facts appealed against, the grounds of appeal under which the appeal is made.

34. *Fixing date for hearing.*—On receipt of an appeal, the Chief Inspector shall, in the appeal it to be heard by himself, at

once fix a date for hearing the appeal, and if it to be heard by the Appellate Authority, constituted by the State Government under Section 20, obtain a date for the hearing of the appeal from that authority.

35. *Procedure before hearing*.—When the date for hearing has been fixed. The Chief Inspector shall at once issue a notice to the appellant stating the date for hearing and informing him that if he wishes to be heard in support of the appeal or to produce evidence he must be present either in person or by authorised agent with his evidence on the date fixed. The notice shall be sent by registered post to such address as is entered in the petition of appeal.

36. *Presence of Inspector*.—(1) In an appeal to the Chief Inspector he shall decide whether the presence of the Inspector is necessary and shall issue orders, accordingly.

(2) *Attendance during hearing of appeals*.—Under order of the Chief Inspector, an Inspector shall attend before the Chief Inspector or the Appellate Authority, during the hearing of an appeal with regard to an economiser under his charge.

37. *Attendance of witnesses*.—The appellate authority shall have power to secure the attendance of witnesses and to make local inquiries and for this purpose shall exercise the power of a court under the provisions of the Code of Civil Procedure, 1908 (Act V of 1908).

38. *Ex parte decision*.—In any appeal, if the appellant is not present on the date fixed the appeal may be decided in his absence.

39. *Constitution of appellate authority*.—(1) the Appellate authority shall consist of a Chairman and three Assessors selected in each case from among the panel specified in rule 40.

(2) "The decision of the appellate authority shall be by majority of votes and in case of equality of votes on any issue, the chairman shall have second of casting Vote."

3. The chairman shall be person who is or has exercised the power of District Judge or District Magistrate.

4. The Chairman shall hold office for such period as the State Government may specify in this behalf.

40. *Panel of Assessors*.—The State Government shall constitute a panel of assessors who shall be fully qualified mechanical engineers.

41. *Remuneration of Assessors*.—An Assessor when selected on the Appellate Authority shall be paid.

(a) such fees as the State Government, may, from time to time determine; and

(b) the travelling expenses actually incurred by him for attending an enquiry under these rules

42. *Attendance of Assessors*—Where a date for an appeal before the Appellate Authority has been fixed the Chief Inspector shall under the order of the Appellate Authority arrange for the attendance of two members of the panel of the panel of assessors.

43. *Costs in Appeals*.—Where an appeal is dismissed the appellate authority may fix the costs of the appeal which shall be payable by the Appellant.

(2) In any appeal where a local inspection is required the appellant shall deposit in advance the full costs of such inspection as determined to the Appellate Authority.

44. *Penalty*.—Any person who does or omits to do any act Prohibited or prescribed by these rules shall be punishable with fine which may extend to one hundred rupees.

FORM A E

Rajasthan Economiser Inspection Department Register of Economiser.

(Rules 4, 9 and 10)

| Regy No. | Type of Economiser. | Economiser rating. | Name of Mfg. |
|----------|---------------------|--------------------|--------------|
| 1 | 2 | 3 | 4 |

| Year and Place of construction | Date of Registration | Name of owner. | Place where in use | Remarks (Transfers etc.) |
|--------------------------------|----------------------|----------------|--------------------|--------------------------|
| 5 | 6 | 7 | 8 | 9 |

FORM B E

Indian Boilers Act, 1923 (Act V of 1923)

Notice for Examination of Economiser under Section 7 & 8

(Vide Rule 14)

No of 19

Boiler Inspectorate,

Dated the ... 19

To,

Gentlemen/Sir,

In reply to your application dated

you are hereby informed that Economiser Registry No.....
 of the above noted premises will be thoroughly examined.
Hydraulically tested
 by the Government Inspector on the.... to
 enable the examination to be made, you are bound :—

- (a) to afford to the Inspector all reasonable facilities for the examination and all such information as may reasonably be required of you;
- (b) to have the economiser properly prepared and ready for examination in the prescribed manner and
- (c) in the case of an application for the registration of an economiser to provide, such drawings, specifications, certificate and other Particulars as may be prescribed.

Voucher Noin acknowledgement of
 Bank/Treasury Receipt No..... for Rs.
 accompanies.

Your's faithfully,

Inspector of Boilers.....

(See Reverse for preparation required)

Preparation for Examination (reverse)

(a)–Preparation for Inspection.

At each inspection the economiser shall be emptied and thoroughly cleaned internally and externally in the flues.

All mountings shall be opened up and caps removed to permit adequate inspection.

Provisions shall, if required by the Inspector be made for the removal of casing or brick work or either concealing part and for drilling of harders and tubes and for verifying the pressure gauge and relief valve dimensions and weights. All tubes, headers and flues ways shall be swept clean.

Proper provision shall be made to isolate the economiser on the gas side as well as on the water connections of the boiler and from any other working economiser.

(b)–Preparation for Hydraulic Test.

The chest of all mountings subject to water pressure shall be in place and shut tight or blank flanged. The relief valve shall either be secured or removed and the chest opening blank flanged. The attachment for the Inspector's pressure gauge and the nipple for connecting the Inspector's test pump have shall be in order. All caps shall be properly fitted and tightened up. The economiser shall be completely filled with water, care being taken to all air to escape and if possible a preliminary test not exceeding the working pressure

of the economiser shall be taken before the Inspector's visit to test the tightness of the joints. When an economiser hydraulically tested for the first time it shall be offered entirely bare at subsequent tests, lagging or brick work, or portions thereof shall be removed if required by the Inspector.

Preparation now required (a) (b)

Note:—The last certificate of the economiser should be shown to the Inspector.

Tapped 3/4" withworth bolt and nut thereof.

Tapped 7/8" withworth bolt and nut thereof.

Rajasthan Economisers Inspection Department .
(Obverse)

FORM C E

(Rules 6, 7 and 14)

No

Date.....19

Economiser Registered on.....

Certificate No.....

Application for the registration/inspection/transfer renewal of an economiser.

Under the Indian Boilers Act, 1923 (Act V of 1923) Dispensioned drawing and certificates of test vide Regulation 501 should be sent along with an application for the registration of an economiser.

| Registry No. engraved on economiser 1 | Description 2 | Economiser Rating see reverse 3 | Name of owner or company 4 | |
|---|---|--|----------------------------------|----------------|
| Where situated nearst convenient, railway station and its distance 5 | Date desired for inspection and period for which certifi- cate is required 6 | Date of expiry of previous certifi- cate, if any. 7 | | |
| Description of work 8 | Name of treasury 9 | Treasury receipt No & date of receipt 10 | Amount deposited 11 | Remarks. 12 |

These entries will be made by Boiler Inspector's office. Only one economiser should be put down in each application form.

In the case of a transfer required for an economiser imported into the State the following particulars are to be given in addition to the above:—

(i) Name and full address of persons or firm from whom the economiser has been purchased.

(ii) Name and full address of owners to whom last certificate was granted.

(iii) The certificate or provisional order now in force under which the economiser was being worked.

I hereby apply to the Chief Inspector of Boilers Rajasthan for the Registration/Inspection/Transfer/Renewal (cross out which does not apply) and the grant of a certificate for the economiser above named for which the requisite fee has been credited into the Government Treasury and receipt enclosed herewith.

Dated at

Signature of Owner of Agent

The.....date of..... 19 ..

Reverse

Fees for registration and inspection of Economisers are calculated on the basis of Economiser Rating as prescribed in Regulation 533 of the Indian Boiler Regulations, 1950 and Rule 18 (b) of the Rajasthan Economisers Rules 1959 made under the Indian Boilers Act, 1923 Economiser rating is the number of square feet of heating surface of the Economiser.

Fees for registration and Inspection:—These shall be calculated on the basis of economiser rating as shown below:—

| | | Inspection | | Registration | |
|--|------|------------|------|--------------|--------|
| For Economiser rating not exceeding 500 Rs.40.00 | | | | Rs.50.00 | |
| For Economiser rating exceeding 500 but | | | | | |
| not exceeding | 1000 | „ | | 50.00 | 60 00 |
| „ | 1500 | „ | 1500 | 60.00 | 70.00 |
| „ | 1500 | „ | 2000 | 70 00 | 80.00 |
| „ | 2000 | „ | 2500 | 80.00 | 90.00 |
| „ | 2500 | „ | 3000 | 90.00 | 100.00 |
| „ | 3000 | „ | 3500 | 100 00 | 110.00 |
| „ | 3500 | „ | 4000 | 110 00 | 120.00 |
| „ | 4000 | „ | 4500 | 120.00 | 130 00 |
| „ | 4500 | „ | 5000 | 130.00 | 140.00 |
| „ | 5000 | „ | | 140.00 | 160.00 |

FORM D E

Vide rule 26

Report into the investigation of the Accident to Economiser No.

To THE CHIEF INSPECTOR OF BOILERS,

Sir, In accordance with instructions I have held a preliminary inquiry into the accident and the circumstances attending it to economiser No..... and now make the following report:—

(1) Date and place of accident

- (1a) Date of investigation.....
- (2) Name and address of owners.....
- (3) Persons killed or injured
- (4) Name and Makers of Economiser or Steam pipe.
- (5) Age of Economiser or Steam pipe.....
- (6) Particulars of previous repairs with dated
- (7) The Economiser was last inspected on.... ..by.....
- (8) Nature of Accident.....
- (9) Cause of Accident.....
- (10) General Remarks.....

Inspector of Boilers.

Dated.....

Remarks by the Chief Inspector of Boilers
By order of the Governor

Sdt/- D. GOSWAMI
Deputy Secretary to the Government.

Rajasthan Boilers Attendants Rules, 1954

Notification No. F. 3 (124)/Ins.(c)/59 dated November 10, 1960, published in Rajasthan Rajpatra dated December 22, 1960 has effected following additions, substitutions and corrections in the rules as previously appearing in volume I of Rajasthan Rules Compendium:—

1. Rule 1A has been newly added.
2. In heading to rule 10 word, "Function" has been corrected as "Functions".
3. In rule 21, at the end of paragraph one, the words appearing in brackets have been newly added.
4. Heading "Fees" to rule 23 has been newly added.
5. Present sub-Rule (2) of rule 23 has been substituted for the previous one which stood as under:—
 - (2) All fees for examination for certificate of competency as an attendant leviable under these rules shall be paid in such manners as the State Government may direct.
6. Words, "material particulars" appearing in brackets in rule 33 have been substituted for the previous words; "particular material".
7. In heading of rule 34, for the Word "filling" the word "filing" has been substituted.
8. In rule 35, words and figures "21 years" have been replaced by the words and figures twenty years"
9. In rule 36, words "twenty three years" have been replaced by the words "twenty one years"
10. In rule 36(b), for the words "two years" words "one year" have been substituted.
11. In sub-clause IX of sub-rule (b) of rule 38, for the word "to" the word "in" has been substituted.
12. In heading of rule 42, the words "and proficiency" have been deleted.
13. Present Forms A, B and C have been newly substituted for the previous Forms A, B and C.

Rajasthan Boiler Attendants' Rules, 1954

*Rules under section 29 (d) of the Indian Boiler Act, 1923
(V of 1923).*

I. Preliminary

1. *Short title, commencement and definition.*—(These rules may be called the Rajasthan Boiler Attendants' Rules, 1954.

(2) They shall come into force on the 1st January, 1955.

(3) In these Rules, unless the context otherwise requires.

(a) "the Act" means the Indian Boiler Act, 1923 (V of 1923);

(b) "section" means a section or the Act;

(c) every reference in these rules to a boiler or boilers shall be deemed to include also a reference to an Economiser or Economisers, respectively.

"1A. *Extension to Abu, Ajmer and Sunel area.*—These Rules shall also extend to Abu, Ajmer and Sunel Area on and from 1-3-1960 and as from the date, the corresponding rule in force in such areas shall be repealed".

II General

2. *Boiler to be incharge of person holding a Boiler Attendants' Certificate.*—The owner of a boiler shall not use it or permit it to be used unless it is placed under the direct and immediate charge of a fit and proper person as required by rule 3:

Provided that the State Government may, by notification in the Rajasthan Gazette, exempt any boiler or classes or types of boilers from the operation of this rule.

3 *Competent person must possess certificate ; extent of qualification.*—No person who does not possess a certificate of competency as an attendant under these rules shall be deemed a fit and proper person to hold charge of a boiler and no holder of any such certificate shall be deemed a fit and proper person to be in attendance and in charge of a boiler except to the extent of his qualification indicated in such certificate.

4. *Holders to produce the same certificate when called for by any authorised person.*—The holder of a certificate or a Provisional Order under these rules shall, at all reasonable times during the period any boiler is in his charge, be bound to produce such certificate when called upon to do so by any of the persons empowered

These rules have been first published in Rajasthan Raj-patra Dated April, 17, 1954 part, IV (c) page 17.

under section 15 to call for the production of the certificate or Provisional Order authorising the use of the boiler.

5. *Owner to furnish Chief Inspector with particulars of certificate* —(1) The owner of any boiler or battery of boilers who engages any persons to be in charge thereof, shall within seven days of such engagement furnish the Chief Inspector with full particulars of such person including the grade, serial number, date and place of issue of his certificate.

(2) The owner of any boiler who engages any person to hold charge of such boiler shall, in the event of such person leaving his employment or in the event of the death of such person, report the fact forthwith to the Chief Inspector and shall send along with the report the certificate granted under these rules to such person if the same is deposited with him:

Provided that where the person so engaged to hold charge of the boiler leaves the employment after due notice, the owner shall return the certificate to such person instead of sending it to the Chief Inspector.

6. *Limits of daily period of attendance reliefs allowed and sphere of action* —(a) An attendant in charge of a boiler for which a certificate of competency as an attendant of the first class is required may be relieved of charge by a person holding a certificate of the second class, in any one day for not more than two periods, the total of which does not exceed two hours.

(b) The holder of a first class certificate may, with the consent in writing of the Chief Inspector be relieved by a person holding a certificate of the second class for a period which may extend to seven consecutive days which, in special circumstances, the Chief Inspector may extend to any length of time not exceeding 30 days at a time

(c) A person in charge of a boiler shall be deemed to be in direct and immediate attendance and charge of the same when he is within 150 feet of such boiler.

7. *When boiler deemed to be in use.*—(a) A boiler shall be deemed to be in use for the purpose of these rules when there is active fire in the furnace, firebox or fireplace for the purpose of heating the water in the boiler. A boiler shall be deemed to be not in use only when the fire is removed and all steam and water connections are closed.

(b) An Economiser shall be deemed to be in use for the purpose of these rules, when there is a flow of flue gases past the Economiser and an appreciable heat transfer between the water and the heating gases.

III.—Board of Examiners

8. *Constitution of the Board of Examiners.*—(1) A Board of Examiners shall be constituted for Rajasthan consisting of the

Chief Inspector, an Inspector nominated by the Chief Inspector and not less than two other members having theoretical and practical knowledge of primemovers and modern boiler practice to be appointed by the State Government from time to time.

(2) The Chief Inspector shall be the ex-officio Chairman and the Inspector nominated by the Chief Inspector shall be the ex-officio Secretary to the Board of Examiners.

9. *Term of office of the members.*—The term of office of each of the members other than the ex-officio members of the Board of Examiners shall be three years. If a member leaves the State Rajasthan or is absent therefrom for a period of more than six months, he shall be deemed to have vacated his seat on the Board and another person may be appointed in his place for the unexpired portion of his term.

10. *Functions of the Board.*—The Board of Examiners shall—

(i) Conduct examination of candidates for the grant of certificates of competency as a boiler attendant;

(ii) grant certificates of competency a Boiler Attendant;

(iii) consider the reports of enquiries into allegations of drunkenness negligence or misconduct on the part of boiler attendants holding certificates of competency granted under these rules and take such action as they may consider necessary.

11. *Meeting of the Board.*—The Board of Examiners shall meet as often as may in the opinion of the Chairman be necessary for transacting business which cannot be disposed of by circulation of papers. At least fifteen clear days' notice of a meeting shall be sent to each member.

12. *Quorum.*—The Chairman or the Secretary and two members of the Board of Examiners shall form a quorum.

13. *Chairman of the Board.*—The Chairman shall preside over all meetings of the Board of Examiners and in his absence, a member chosen by the members present at the meeting shall preside over the meeting.

14. *Secretary of the Board.*—The Secretary of the Board of Examiners shall maintain a register of boiler attendants holding certificates of competency and shall perform such other functions as are specified in these rules or as the Chairman of the Board of Examiners may direct.

15. *Board's Endorsement on application.*—The Board of Examiners shall endorse on the printed application form of each candidate the result of his examination for a certificate of competency as a boiler attendant. The endorsed application shall be returned to the Secretary to the Board.

16. *Board empowered to refuse issue of certificate*—The Board of examiners shall have power to refuse the issue of certi-

cate of competency as a boiler attendant to any candidate who in the opinion of the majority of the members appears too old or physically unfit through deformity, constitutional weakness, defective eyesight, deafness or loss of a limb to perform efficiently the duties of a boiler attendant.

Any candidate who has been refused such certificate may be asked to produce a certificate of fitness from a Registered Medical Practitioner. If however the candidate produces a certificate of physical fitness the Board shall issue a certificate.

17. Each member of the Board of Examiners shall be entitled to receive fees for examining candidates under these rules and the rate of fees shall be determined by the State Government.

IV. Examination

18. *Examination.*—Examinations for the grant of certificates of competency as a boiler attendant to remain in charge of boilers shall be held by the Board of Examiners at such place and on such dates as may be notified by the Secretary of the Board from time to time in the official gazette.

19. Examination for granting certificates of competency as a boiler attendant shall be of two kinds, viz ... one for the award of first class certificate of competency as a boiler attendant and the other for the award of second class certificate of competency as a boiler attendant.

20. *Postponement of Examination.*—When a date fixed for the examination is declared a gazetted holiday or when for any unforeseen reason an examination cannot be held on the date fixed, the Chairman may fix some other day for holding the examination and the same shall be duly notified to the candidates for examination.

V.—Certificate of Competency.

21. *Classes of Certificates and capabilities of holders thereof.*—Except as otherwise provided in these rules a certificate of competency granted thereunder shall be of two classes. The certificate of the first class shall qualify a holder thereof to be in charge of a single boiler of any type or capacity or two or more boilers in a battery or of so many separate individual boilers, the total heating surface of which does not exceed 7,500 sq. ft., provided that such boilers shall be situated within a radius of 75ft. in the same premises and belong to one owner and that the holder of the certificate of the First Class is assisted by Second Class Attendant or by such number of firemen as are considered necessary by the Chief Inspector of Boilers.

A certificate of second class shall qualify the holder thereof to be in charge of a single boiler of any kind, the heating surface of which does not exceed 1,500 sq. ft. A second class boiler attendant may, however, attend to a battery of boilers (not consisting of more

than three connected boilers and not exceeding 1 500 sq. ft. in aggregate of total heating surface) provided he is assisted by the number of firemen considered necessary by the Chief Inspector of Boilers.

22. *Exchange certificate*—A person holding a certificate of competency as an attendant granted by a Board of Examiners under the corresponding rules in any other State shall on application, have the certificate endorsed for validity in the State of Rajasthan. Such endorsement shall be made by the Chairman of the Board of Examiners constituted under these rules.

23. *Fees*.—(1) Candidates for examination for certificate of competency shall pay the following fees which shall not, except as otherwise provided in these rules be turnable :—

| | |
|---------------------------------------|----------|
| Examination for 1st Class Certificate | Rs. 15/- |
| Examination for 2nd Class Certificate | Rs. 10/- |
| Duplicate Certificate | Rs. 10/- |

(2) All fees payable under these rules shall be deposited in a Government treasury in the State under the account head "XXXVI Miscellaneous Department fees" for the inspection of steam Boilers.

24. *Refund of Fees*—Candidates once admitted to an examination under these rules shall not be entitled to any refund of fees. Where a candidate is unavoidably absent from the examination on the date fixed, the Chairman of the Board of Examiners may allow him to appear without payment of a second fee at the next examination.

25. *Fees of candidates found ineligible*.—A Candidate who has paid the examination fee but is found ineligible for an examination may apply within one year from the date of payment, for a refund of the fee, or he may be allowed to appear without payment of second fee at any subsequent examination held within one year from the date of payment of the fee; provided that he becomes eligible to sit for such subsequent examination.

VI.—Application for Examination

26. *Form of Application*.—Every application for examination shall be in Form A appended to these rules. The applicant shall fill in such parts of the Form as are to be filled in by a candidate and shall sign the Form in the presence of a Gazetted Officer or an Honorary Magistrate who shall attest his signature. The application so filled in shall be forwarded to the office of the Chairman of the Board of Examiners not later than one month before the date fixed for the examination and shall be accompanied by :—

(a) originals and one copy each of all testimonials of both practical and theoretical experience of the candidate;

(b) testimonials of good character from his employer;

(c) a Treasury Challan or such other evidence as the State Government may specify in this behalf in support of

payment of the fee specified in these rules for examination at which the applicant wishes to appear;

(d) any certificate granted to the applicant under these rules or a certificate granted by a competent authority referred to in rule 22;

(e) two copies of recent bust photographs (size $2'' \times 2\frac{1}{4}''$) one of which shall bear the signature or the thumb impression of the applicant on the back.

27. *Candidate of produce satisfactory testimonials*—No candidate shall be admitted to examination who cannot produce satisfactory testimonials certifying his experience, ability, sobriety and general good conduct for the whole period of his qualifying service. Any breaks in the period of qualifying service shall be accounted for.

28. *Essential Statements*.—A testimonial shall clearly state the capacity in which the candidate was employed whether as boiler attendant, Head Fireman, Donkeyman, or Fireman and the periods of such employment stating the dates between which the candidate was so employed.

29. *Signature & Countersignature*.—A testimonial shall be signed by a responsible person under whom the candidate was employed and be countersigned by the Owner, Agent, Manager or Secretary of the Mill, factory or workshop or by such other person as the State Government may prescribe in this behalf.

30. A testimonial in respect of service on a steamship may be signed by the Chief Engineer and countersigned by the master of the vessel or may be in the Form of a seaman's discharge issued by a Shipping Master.

31. *Railway or Public Works Department Service*.—A testimonial of service of railway boilers, or boilers belonging to the Public Works Department or local bodies, shall be signed by a responsible officer under whom the candidate has directly served and countersigned by the head of the department concerned.

32. *Doubtful Testimonials*.—If the Secretary to the Board of Examiners has reason to doubt the truth of any statement made in any application or testimonials, he may make such inquiries as he thinks fit to verify the same.

33. *False Testimonials*—If on inquiry the Secretary is satisfied that any testimonial submitted by a candidate is false in any [material particulars], he shall submit his findings to the Chairman of Board of Examiners who may by a written order debar such candidate from being admitted to any subsequent examination held under these rules. If, on the strength of any such testimonial, a candidate has already been admitted to an examination, he shall be deemed to have failed in such examination and any certificate granted to him as a result of his having been declared to have passed

such examination, shall be forthwith recalled and be cancelled by a notification in the official gazette provided that before any certificate is cancelled under this rule, the holder thereof shall be given a reasonable opportunity of being heard in the matter.

34. *Filling of copies and Return of original testimonials.*—Applications and copies of testimonials submitted by candidates shall be filed in the office of the Chairman of the Board of Examiners. Original testimonials shall be returned to the candidates after the close of the examination.

VII.—Age and Training

35. *Age and Training of second class.*—A candidate for a certificate of competency as a boiler attendant of the second class shall not be less than 20 years of age and shall not be admitted to the examination unless he proves to the satisfaction of the Board of Examiners that he :—

(a) has served for not less than three years in the capacity of a fireman or an assistant fireman on a steam boiler or a combined steam engine and boiler; or

(b) has served for not less than three years as an engine fitter where boilers and engines are repaired or made and worked under steam, one year at least or which he should have worked as an assistant fireman; or

(c) produces from the head of an industrial or technical institution a certificate stating that he has completed a three years course of training, one year of which must have been as an apprentice in a steam power plant of a mill or factory or an engineering workshop for the maintenance of boilers.

36. *Age and Training of first class candidates.*—A candidate for a certificate of competency as a boiler attendant of the first class shall not be less than twenty [one] years of age and shall not be admitted to the examination unless he possesses a certificate of the second class and in addition thereto—

(a) has served for not less than two years as a boiler attendant with second class certificate of competency in sole working charge of a boiler whose rated heating surface is not less than 500 sq. ft.; or

(b) produces from head of an industrial or technical institution a certificate stating that he has completed a three years' course of training, one year of which must have been as an apprentice in a steam power plant of a mill or factory or an engineering workshop where engines and boilers are repaired or made and in addition has served for not less than one year in sole working charge of a boiler of not less than 500 sq. ft. of heating surface with a second class boiler attendants' certificate.

37. *Service not in strict conformity with rules.*—Notwithstanding anything to the contrary contained in rules 35 and 36 the State Government may empower the Chairman, Board of Examiners, to admit in his discretion any candidate to an examination under these rules, if he so thinks fit.

VIII. Examination Subjects

38. *Second class boiler attendants.*—A candidate, in order to be qualified for a certificate of competency of the second class, shall *inter alia* satisfy the examiners that—

(a) he clearly understands—

(i) the working and management of a steam boiler and Economiser;

(ii) the use and purpose of the various valves, cocks, mountings and fittings;

(iii) the precautions to be taken and procedure to be observed before starting fires and when raising steam;

(iv) the use of a feed pump and injector;

(v) the reading of the pressure gauge;

(vi) the need for periodical cleaning and pure water supply and for prevention of scale or other deposits on heating surfaces;

(vii) the need for periodical inspection of boilers and the manner in which they should be prepared for through inspection, hydraulic test and steam test;

(viii) the precautions to be taken before entering or allowing any person to enter a boiler that is connected to another boiler under steam;

(ix) the use of the best means of firing for the prevention of smoke;

(x) the danger of water lodging in steam pipes and the precautions to be observed in draining;

(xi) the procedure to be followed in the event of short-age of water, bulging or fracture of furnances or flat plates or bursting of tubes or of any accident to a boiler or steam pipe;

(xii) precautions to be taken when starting an Economiser to work after a period of rest;

(xiii) procedure to be adopted in bringing an Economiser into commission and also to putting it out of commission while the boiler is on steam; and that

(b) he is able. *enter alia*—

(i) to stoke a boiler including cleaning and banking fires in a workmanlike manner;

(ii) to show how avoidable smoke may be prevented;

(iii) to blow through and test the correctness of water gauge glasses and test cocks;

(iv) to replace a gauge glass and show how a false water level might be shown;

(v) to ease a safety valve and use a blow down cock or valve;

(vi) to adjust a high steam and low water safety valve and renew a fusible plug;

(vii) to pack pump or valve chest glands;

(viii) to grind and adjust cocks and valves;

(ix) to take a feed pump or injector in pieces and replace in working order;

(x) to handle the appliances provided for keeping the Economisers clean.

39. *First class boiler attendant*—A candidate, in order to be qualified for a certificate of competency of the first class, shall satisfy the examiners that in addition to the subjects specified for candidates for certificate of competency of the second class, he has at least a rudimentary knowledge of the principal elementary facts relating to combustion, heat and steam; and that he is able to explain; *inter alia*—

(i) the principal causes and effects of corrosion and incrustation and the usual remedies employed;

(ii) the object of the use of water softeners;

(iii) the principles on which feed pumps and injectors work;

(iv) the principles on which appliances for the prevention of smoke work;

(v) the purpose of super-heaters, Economisers, feedheaters, feed filters, forced and induced draft appliances and mechanical stokers.

IX. Mode of Examination.

Examination in writing optional.—The examination shall be conducted orally, but any candidate may, if he desires, write his answers to such written questions as may be given to him by the examiners.

41. *Examination where held*.—If the Board of Examiners consider necessary, the examination may be held either in a factory or mill or in a workshop in which boilers are used or partly in such factory, mill or workshop and partly in the examination room where models and sketches of boilers may be kept for *viva-voce* test.

X. Grant of Certificate.

42. *Grant of certificate of competency*—If a candidate passes the examination the result will be notified in the official gazette

and he shall be granted a certificate in accordance with the class in which he passed as soon as practicable after the close of the examination.

43. *Form of certificate*.—Certificates of competency in class I and II as a boiler attendant under 21 shall be in Form B and C respectively appended to these rules.

44. *Surrender of lower grade certificate*.—No certificate of the first class shall be granted to the holder of a second class certificate after examination under these rules unless and until he has surrendered to the Chairman the certificate of the lower grade.

45. *Application for exchange certificate*.—An application for the award of a certificate of competency as a boiler attendant shall be in Form A appended to these rules.

46. *Record of duplicate certificate*.—Duplicates of all certificates granted under these rules shall be recorded in the office of the Chairman.

47. *Identification requirement*.—Every certificate granted under these rules shall bear a best photograph of the holder thereof previously submitted along with his application under rule 26 and his signature or thumb impression and such other particulars as may be required for the purpose of identification.

48. *Grant of duplicate certificate*.—Whenever the holder of a certificate proves to the satisfaction of the Chairman of the Board of Examiners that certificate granted to him under these rules has been lost stolen or destroyed or mutilated without any fault on his part, he shall be granted a duplicate certificate to which by the record so kept as aforesaid, he appears to be entitled, which shall have for all purposes the same validity as the original certificate.

If on enquiry the Secretary to the Board of Examiners, is satisfied that any statement made by the applicant for the issue of a duplicate certificate is false he shall report the case to the said Board at its next meeting, and the Board may at its discretion cancel the certificate or permit the grant as aforesaid of a duplicate certificate either immediately or after such period not exceeding twelve months as the Board may think fit having regard to the circumstances of each case.

49. *Application for duplicate certificate*.—Application for a duplicate certificate shall be lodged with the Chairman to the Board of Examiners with a declaration sworn before a Gazetted Officer or an Honorary Magistrate stating that the certificate granted under these rules, has been lost without fault on the part of the applicant.

50. *Invalidity of original certificate*.—On the issue of a duplicate certificate, the original certificate shall cease to be valid, and shall if in the possession or power of the holder thereof be returned to the office of the Chairman for cancellation.

51. *Enquiry regarding certificate holders and suspension of certificates*.—i) If a District Magistrate or the Chief Inspector of

boilers has reason to believe from any cause whatsoever, that an enquiry should be made into an allegation of incompetence, drunkenness, misconduct or negligence on the part of an attendant holding certificate of competency under these rules, they shall either themselves make such enquiry or cause it to be made by their subordinate officers. The District Magistrate may depute a Magistrate of the first class and the Chairman of the Board of Examiners an Inspector of boilers duly authorised by him to hold such enquiry.

(ii) The holder of such certificate shall on demand by the officer charged with the enquiry forthwith place in the hands of such officer his certificate to abide by the result of such enquiry.

(iii) The proceedings shall be held in the presence of the person whose conduct forms the subject of enquiry and he shall have an opportunity of making any statement he may wish to make and of producing any evidence in his defence.

(iv) The proceedings of any such enquiry shall be forwarded by the officer conducting the enquiry where he is not the Chairman of the Board to the Secretary to the Board of examiners for consideration of the Board.

52. *Submission of proceedings before the Board.*—The Secretary to the Board of Examiners shall submit the proceedings sent under sub-rule (iv) of rule 51 before the Board at its next meeting and the Board of Examiners at its discretion may allow the certificate to stand or may cancel the certificate permanently or suspend it for such period as it thinks fit.

XI—Penalty.

53. *Cognisance of offences* —The owner of a boiler who works or permits or causes the boiler to be worked at any time in contravention of rule 2 shall be punishable with fine which may extend to Rs. 100.

Any person in charge of a boiler or any other person who works the same or permits or causes it to be worked in contravention of rules 4, 5, 6, shall be punishable with fine which may extend to Rs. 100.

Division III.—Declaration to be made by the applicant.

I do hereby declare that the statements made in Divisions I, II and IV of this form are correct and true to the best of my knowledge and belief; and that the papers enumerated in Division IV and submitted with this form are true and genuine documents and further that the copies of the document submitted with this form are true and correct. I further declare that the statements made in Division IV contain a true and correct account of the whole period of my service without exception, and I make this declaration conscientiously believing the same to be true.

Dated at..... this.....day of.....19

Signed in the presence of.....

Signature

Designation.....

Signature of the applicant.

Present address.....

.....

.....

Note.—(1) Every application must be accompanied by a treasury chalan or such evidence as may be prescribed by the State Government showing that the fee for the examination has been paid.

(2) Two copies of a recent bust photograph of the applicant (size 2" × 2½") be accompanied with the application with applicant's signature on the back thereof.

(3) Any person making false statement for the purpose of admission to the examination renders himself liable to prosecution.

(4) Incomplete applications are liable to be rejected.

FORM A

(See rule 26 and 45 of the Rajasthan Boiler Attendants Rule, 1954)

Application for certificate of competency as boiler attendant

Indian Boilers Act, 1923 (V of 1923)

Division I—Name etc. of the applicant.

| Name in full | Nationality | Date of birth | Place of birth | Permanent Address | Nature of Certificate |
|----------------------------------|-------------|---|----------------|--------------------|-----------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |
| Grade of Certificate applied for | | Whether appeared in any previous Examinations | | If so when & where | |
| 7 | | 8 | | 9 | |

Division II—Particulars of all previous certificates (if any) issued in India

| Number of Certificate | Class of Certificate | Where issued | Date of issue |
|--|----------------------|--------------|--------------------------------------|
| 1 | 2 | 3 | 4 |
| If any time suspended or cancelled, if so, state by whom | | Date | Causes of suspension or cancellation |
| 5 | | 6 | 7 |

Division III—Declaration to be made by the Applicant.

I do hereby declare that the statements made in Divisions I, II and IV of this form are correct and true to the best of my

knowledge and belief and that the papers enumerated in Division IV and submitted with this form are true and genuine documents and further that the copies of the documents submitted with this form are true and correct. I further declare that the statements made in Division IV contain a true and correct account of the whole period of my service without exception and I make this declaration conscientiously believing the same to be true. Dated at.....this.....day of.....19 .

Signed in the presence of:—

Signature.....

Designation

Signature of the applicant.

Present address

.....

- Notes:—**1. Every application must be accompanied by a treasury challan or such evidence as may be prescribed by the State Government showing that fee for the examination has been paid.
2. Two copies of a recent bust photograph of the applicant (size 2" + 2½") be accompanied with the application with applicant's signature on the back thereof.
3. Original and one copy each of all testimonials of both practical and theoretical experience of the candidate should accompany the application.
4. Testimonials of good character from his employer should be sent with the application.
5. Any person making false statement for the purpose of admission to the examination renders himself liable to prosecution.
6. Incomplete applications are liable to be rejected.
7. The declarations should be signed by the applicant in the presence of a Gazetted Officer or an Honorary Magistrate who shall attest his signature.

Division IV—List of Testimonials and Statement of Service,
(The testimonials to be numbered consecutively according to the number given in column I below)

| No. of testimonials, if any | Date of each testimonial | Name of person signing each testimonial | Address and designation of factory, or workshop where employed | No., type and heating surface of boilers | Capacity in which employed |
|-----------------------------|--------------------------|---|--|--|----------------------------|
| 1 | 2 | 3 | 4 | 5 | 6 |

| SERVICE OF APPLICANT | | | | | Initials of verifier to be filled by the Board | Remarks. |
|------------------------------|-----------------------------|-------------------------------|-------|------|--|----------|
| Date of commence- ment | Date of termi- nation | Time employed in this service | | | | |
| | | Year | Month | Days | | |
| 7 | 8 | 9 | 10 | 11 | 12 | 13 |

Total service.

Time served for which Certificates are produced.

Time served for which no Certificates are produced.

DIVISION—V

Certificate of Competency.

Certificate that Shri has been examined for a Certificate of Competency as Boiler Attendant of .. Class at this day of 19 .., and has not satisfied us of his fitness to hold a Certificate of Competency as a Class Boiler Attendant. He has therefore Passed/Failed.

Personal description of Applicant.

- (1) Nationality..... (2) Religion.....
 (3) Height.....ft.....in..... (4) Complexion.....
 (5) Colour of hair..... (6) Colour of eyes.....
 (7) Personal marks or particulars.....

Signatures of Board of Examiners.

Issue of Certificate

Certificate No..... of the..... Class Boiler Attendant issued and the duplicate recorded.

Secretary, Board of Examiners.

FORM B



Symbol of the Government.

Government of Rajasthan

First Class Boiler Attendant Certificate of Competency (granted under the Rajasthan Boiler Attendant's Rules, 1954).

No..... of 19 ..

Shri..... aged about years at present residing at..... having satisfied the Board of Examiners appointed under the Rajasthan Boiler Attendant's Rules, 1954 of his competence to fulfil the duties of First Class Boiler Attendant, is granted under the said Rules now in force, this Certificate of competency as a First Class Boiler Attendant authorising him to have charge of a single Boiler of any type or capacity, or two or more Boilers in a battery or separate, the total heating surface of which does not exceed 7,500 Sq. ft. provided that such Boilers

shall be situated within a radius of 75 feet in the same premises and belong to the same owner and that he is assisted by a Second Class Boiler attendant or by such number of Firemen as are considered necessary by the Chief Inspector of Boilers.

Dated at..... this..... day of19 .
Secretary to the Board of Chairman to the Board of
Examiners, PHOTO. Examiners.

(Descriptive Roll)

- 1. Date and place of birth.....
- 2. Address.....
- 3. Nationality and religion
- 4. Height without shoes.
- 5. Marks of identification.....
- 6. Left thumb impression
- 7. Signature.....

FORM C



Symbol of the Government.

Government of Rajasthan

Second Class Boiles Attendant Certificate of Competency
(granted under the Rajasthan Boiler Attendant's Rules, 1954).

Noof 19 .

Shriaged aboutyears
at present residing at having satisfied the Board of Exa-
miners appointed under the Rajasthan Boiler Attendant's Rules,
1954 of his competence to fulfil the duties of Second Class Boilers
Attendant, is granted under the said Rules now in force, this Certi-
ficate of competency as a Second Class Boiler Attendant authorising
him to have charge of a single Boiler of any type the heating sur-
face of which does not exced 1500 sq ft. He may however, attend
to a battery of Boilers (not consisting of more than three connected
boilers and not exceeding 1500 sq. ft. in aggregate of total heating
surface). Provided he is assisted by the number of firemen consid-
ered necessary by the Chief Inspector of Boilers.

Dated atthisday of19 .
Secretary to the Board of Chairman to the Board of
Examiners, PHOTO. Examiners.

(Descriptive Roll)

- 1. Date and place of birth.....
- 2. Address.....
- 3. Nationality and religion.....
- 4. Height without shoes....
- 5. Marks of identification
- 6. Left thumb impression
- 7. Signature.....

Rajasthan Boiler Attendants Rules, 1954

LABOUR & EMPLOYMENT DEPARTMENT

Jaipur, June 27, 1966.

Notification No: F. 3 (34) Lab/62.—In exercise of the powers conferred by section 29 of Indian Boilers Act, 1923 (Central Act V of 1923), the State Government hereby makes the following amendments to the Rajasthan Boiler Attendants Rules, 1954, the same having been published in the Rajasthan Gazette, Part III-B, dated 19th August, 1965, as required under sub-section (1) of section 31 of the said Act, namely:—

AMENDMENT

In the said rules for sub-rule (2) of rule 23, the following sub-rule shall be substituted, namely:—

“(2) All fees payable under these rules shall be deposited in a Government Treasury in the State under the Account head.”

“XXXII Miscellaneous Social and Development Organisations.

(a) Labour & Employment (b) fees for the Inspection of Steam Boilers.”

[Pub. in Raj. Gaz. 4 (Ga)-Dt. 25-8-66—Page 289]

LABOUR AND EMPLOYMENT DEPARTMENT

Jaipur, April 4, 1967.

Notification No. F. 1 (4) (15) L & E/65.—In exercise of the powers conferred by section 29 of the Indian Boilers Act, 1923 (Central Act V of 1923), the State Government hereby makes the following Rules further to amend the Rajasthan Boiler Attendant's Rules, 1954, the same having been published in the Rajasthan Gazette, Part 3 (KH), dated the 3rd December, 1966 as required by sub-section (1) of section 31 of the said Act, namely:—

RULES

1. Short title.—These Rules may be called the Rajasthan Boilers Attendant's (Amendment) Rules, 1967.

2. Amendment of Rule 36.—In the Rajasthan Boiler Attendant's Rules, 1954, after clause (b) of rule 36, the following new clause, shall be inserted, namely:—

“(c) Produces a certificate signed by the Chief Engineer, countersigned by the owner, Agent or Manager, of an industrial undertaking using boilers of capacities not less than 1500 sq. feet (140sq. meters) each, stating that he has served for not less than two years as an assistant to a first class boiler attendant, with a Second class boiler attendant's certificate of competency and has acquired necessary skill for undertaking responsibilities of working and maintenance of such boilers.”

[Pub. in Raj. Gaz. 4(Ga)—Dt. 22-6-67—Page 261]

NOTIFICATIONS UNDER INDIAN BOILERS ACT, 1923

Published in Raj. Raj-patra Vol. 3 part I at page 537 :

Jaipur, August, 31, 1951.

No. 1890/Lab.—In exercise of the powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (No. V of 1923), the Government of Rajasthan is pleased to appoint Shri Mukand Lal Agarwal as Inspector of Boilers for the purposes of the said Act and to direct that he will exercise the powers and perform the duties conferred and imposed on an Inspector by or under the Act in the whole of Rajasthan.

By Order of
His Highness the Rajpramukh
CHANDRAPAL SINGH,
Secretary to the Government

Published in Raj. Raj-patra Dated January 1, 1955 part I (b) at page 619 :

LABOUR DEPARTMENT.

NOTIFICATIONS

Jaipur, December 22, 1954.

No. F. 15 (13) Lab./54.—In exercise of the powers conferred by Rule 8 of the Rajasthan Boiler Attendants Rules 1954, the Government of Rajasthan has been pleased to constitute the following Board of Examiners for the grant of certificates of competency as a boiler attendant—

- | | |
|--|-----------------------|
| 1. Chief Inspector of Factories & Boilers, Rajasthan. | Ex-Officio Chairman. |
| 2. Shri Prithvi Singh, Executive Engineer (Project) Electrical & Mechanical Department, Jaipur. | Member. |
| 3. Chief Engineer of the Associated Cement Works at Lakheri, | Member. |
| 4. Chief Engineer, Sri Umaid Mills, Pali. | Member. |
| 5. Shri I. C. Sogani, B. Sc., (Engg.) Workshop Sindhi; Birla College of Engineering, Pilani. | Member |
| 6. Inspector of Boilers. | Ex-Officio Secretary. |

Published in Raj. Raj-patra Dated May 23, 1957 part IV (c) at page 61 :

Jaipur, April 29, 1957.

No. F. 1 (12) Lab./57/2858.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Boilers Act, 1923 (Central Act V of 1923), and in supersession of all previous appointments made in any part of Rajasthan, the State Government hereby appoints the Chief Inspector of Factories to be the Chief Inspector of Boilers, for the whole of Rajasthan with effect from 1st November, 1956.

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

INDIAN BOILERS ACT, 1923.

Published in Raj. Raj-patra part IV (c) dated April 16, 1959 at page 60-61

Industries (C) Department

NOTIFICATION

Jaipur, February 28, 1959,

No. F. (23) Ind. (C)/59.—In supersession of Notification No. F. 1 (12)/Lab/57, dated the 29th April, 1957 and in exercise of the powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (Central Act V of 1923), the State Government hereby appoints the following officers to be Inspectors of Boilers within the areas specified against each, namely:—

| S. No. | Name and Designation. | Head Quarters. | Area |
|--------|-------------------------|----------------|------------------------------------|
| 1 | 2 | 3 | 4 |
| 1. | Inspector of Factories. | Jaipur | Ajmer Division |
| 2. | Inspector of Factories. | Beawar | Ajmer, Kota and Udaipur Divisions. |
| 3. | Inspector of Factories. | Kotah | Kota and Ajmer Divisions. |
| 4. | Inspector of Factories. | Bhilwara | Udaipur and Kotah Divisions. |
| 5. | Inspector of Factories. | Bikaner | Bikaner and Jodhpur Divisions. |
| 6. | Inspector of Factories. | Jodhpur | Jodhpur and Bikaner Divisions. |

By Order of the Governor,
A. K. ROY,
Secretary to the Government.

Published in Raj. Raj-patra part I (b) dated October 29, 1959 at page 317

Industries (C) Department

(Labour Section)

NOTIFICATIONS

Jaipur, September 15, 1959.

No. D. 5098/ F. 3 (76)/ Ind. (C)/59.—In continuation to the Notification No. F. 3 (23)/Ind.(C)/59 dated 28th Feb., 1959 and in exercise of powers conferred by sub-section (1) of section 5 of the Indian Boilers Act, 1923 (Central Act V of 1923), the State Government hereby appoints the following officer as Inspector of Boilers within the area specified each namely:—

| S No. | Designation. | Headquarters. | Area. |
|-------|--|---------------|---------------------|
| 1. | Inspector of Factories (Headquarters). | Jaipur. | Whole of Rajasthan. |

Rules and Notifications under

BOMBAY MERGED TERRITORIES & AREAS (JAGIR
ABOLITION) ACT, 1953 (BOMBAY ACT No. XXXIX OF 1954.

Notifications under

**Bombay Merged Territories and Areas
(Jagir Abolition) Act, 1953**

Published in Raj. Raj-patra part IV (c) dated December 14, 1961 at pages 489

Revenue 'D' Department

NOTIFICATION

Jaipur, November 27, 1961.

No. F. 7 (28) Rev. D/61.—In exercise of the powers conferred by clause (iii) of sub-section (1) of section 2 of the Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953 (Bombay Act XXXIX of 1954), which extends to the Abu area, the State Government hereby appoints the Deputy Collector (Jagir), Jalore and Sirohi Districts, to perform the functions and exercise the powers of a Collector under the said Act within the Abu sub division of the Sirohi District.

By Order of the Governor,
R. K. CHATURVEDY,
Secretary to Government.

Rules and Notifications under

BOMBAY PROHIBITION ACT, 1949 (BOMBAY 25 OF 1949).

Notifications under

Bombay Prohibition Act, 1949

Published in Raj. Raj-patra part IV (c) dated October, 31, 1962 at pages 378

Jaipur, October 31, 1962.

No. F. 3 (2) SR/54-III (Pt.II).—In exercise of the powers conferred by section 6 of the Bombay Prohibition Act, 1949 (Bombay Act 25 of 1949) as in force in Abu Area, the State Government hereby makes the following amendment in the Excise & Taxation Department notification No. F. 3 (2) SR/54/dated the 15th March, 1960 as amended by the notification of even number dated the 12th October, 1960, hereinafter referred to as the said notification, namely:—

AMENDMENT

In the said notification, after entry No. 6, the following new entries shall be inserted, namely:—

- | | | |
|--|------|--|
| 7. Director or Assistant Director of the Government of India Tourist Office, Bombay, Calcutta, Delhi and Madras. | -do- | Section 46-A—power to grant tourists' permits to consume, use and buy foreign liquor to a person who is a foreign tourist. |
| 8. Officers of the Indian Missions abroad authorised to issue visas. | -do- | -do- |

BOMBAY PROHIBITION ACT, 1949,

FINANCE (Rev. & Eco. Affairs) DEPARTMENT

(Revenue Section).

NOTIFICATIONS

Jaipur, January 3, 1963.

No. F. 3(2) E & T/54 PT. II.—In exercise of the powers conferred by section 6 of the Bombay Prohibition Act, 1949 (Bombay Act 25 of 1949) as in force in the Abu Area, the State Government hereby further invests the following officer with the powers under the said Act as detailed below:—

| Designation | Area within which powers may be exercised | Sections under which powers are invested. |
|------------------------------------|---|--|
| 1 | 2 | 3 |
| 1. Tourist Assis- tant Mt. Abu. | Mt. Abu | Section 40 power to issue permit to foreigners. Section 40-B power to issue emergency permits. Section 41 power to issue permits to foreign sovereign etc. Section 46 power to issue visitor's permit. Section 46 (A) power to issue tourists' permit. Section 47 power to issue interim permits. |

[Published in Rajasthan Raj-patra Part IV (Ga) dated 14 February, 1963
Page 954-55.]